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B I L L S,

PUBLIC:

SIX VOLUMES.

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—(4.)—

LANDLORD AND TENANT

TO

MILLS AND FACTORIES (IRELAND).

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Session

4 February — 8 August 1851.

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VOL. IV.

1851.

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BR DOC 650

# B I L L S :

1851.

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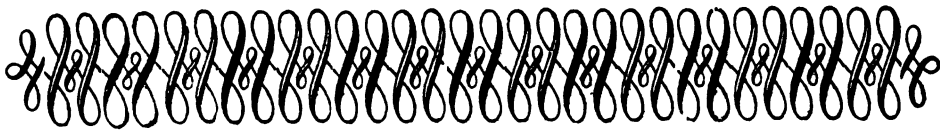
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A

# B I L L

TO

Improve the Law of Landlord and Tenant in relation to Emblements, to growing Crops seized in Execution, and to Agricultural Tenants Fixtures.

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[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

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**W**HEREAS it is expedient to amend the Law to prevent or lessen the Evils of the Right to Emblements, and the Loss and Injury arising therefrom, and also the Law relating to growing Crops seized under Executions, and to Agricultural Fixtures: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That where the Lease or Tenancy of any Farm or Lands held by a Tenant at Rackrent shall determine by the Death or Cesser of the Estate of any Landlord entitled for his Life, or for any other limited Interest, instead of Claims to Emblements, the Tenant shall continue to hold and occupy such Farm or Lands until the Expiration of the then current Year, and shall then quit, upon the Terms of his Lease or Holding, in the same Manner as if such Lease or Tenancy were then determined by Effluxion of Time or other lawful

179.

On Determination of Leases or Tenancies under Tenant for Life, &c., instead of Emblements Tenant to hold until Expiration of current Year, &c.

or other lawful Means during the Continuance of his Landlord's Estate ; and the succeeding Landlord or Owner shall be entitled to recover and receive of the Tenant, in the same Manner as his Predecessor or such Tenant's Lessor could have done if he had been living or had continued the Landlord or Lessor, a fair Proportion of the Rent 5 for the Period which may have elapsed from the Day of the Death or Cesser of the Estate of such Predecessor or Lessor to the Time of the Tenant so quitting, and the succeeding Landlord or Owner and the Tenant respectively shall, as between themselves and as against each other, be entitled to all the Benefits and Advantages, and be subject 10 to the Terms, Conditions, and Restrictions, to which the preceding Landlord or Lessor and such Tenant respectively would have been entitled and subject in case the Lease or Tenancy had determined in manner aforesaid at the Expiration of such current Year : Provided always, that no Notice to quit shall be necessary or required by or 15 from either Party to determine any such Holding and Occupation as aforesaid.

Growing  
Crops seized  
and sold  
under Execu-  
tion to be  
liable for  
accruing  
Rent.

II. That in case all or any Part of the growing Crops of the Tenant of any Farm or Lands shall be seized and sold by any Sheriff or other Officer by virtue of any Writ of Fieri facias or other Writ of Execu- 20 tion, such Crops, so long as the same shall remain on the Farms or Lands, shall, in default of sufficient Distress of the Goods and Chattels of the Tenant, be liable to the Rent which may accrue and become due to the Landlord after any such Seizure and Sale, and to the Remedies by Distress and otherwise for Recovery of such Rent, 25 and that notwithstanding any Bargain and Sale or Assignment which may have been made or executed of such growing Crops by any such Sheriff or other Officer.

Tenant may  
remove  
Buildings  
and Fixtures  
erected by  
him on  
Farms,  
unless Land-  
lord elect to  
take to them.

III. That if any Tenant of a Farm or Lands shall, after the passing of this Act, with the Consent in Writing of the Landlord for the 30 Time being, at his own Cost and Expense, erect any Farm-building, either detached or otherwise, or put up any other Building, Engine, or Machinery, either for Agricultural Purposes or for the Purposes of Trade and Agriculture, (which shall not have been erected or put up in pursuance of some Obligation in that Behalf,) then all such Build- 35 ings, Engines, and Machinery shall be the Property of the Tenant, and shall be removable by him in the same Manner as if the same were Fixtures of Trade by Law or Custom removable by the Tenant, and the Law now in force as regards Fixtures of Trade removable by a Tenant shall apply to all such Matters, notwithstanding the 40 same may consist of separate Buildings, or that the same or any Part thereof may be built in or permanently fixed to the Soil, so as the Tenant making any such Removal do not in anywise injure the  
Land

Land or Buildings belonging to the Landlord, or otherwise do put the same in like Plight and Condition, or as good Plight and Condition, as the same were in before the Erection of anything so removed: Provided nevertheless, that no Tenant shall, under  
5 the Provision last aforesaid, be entitled to remove any such Matter or Thing as aforesaid without first giving to the Landlord or his Agent One Month's previous Notice in Writing of his Intention so to do; and thereupon it shall be lawful for the Landlord, or his Agent on his Authority, to elect to purchase the Matters and Things  
10 so proposed to be removed, or any of them, and the Right to remove the same shall thereby cease, and the same shall belong to the Landlord; and the Value thereof shall be ascertained and determined by Two Referees, One to be chosen by each Party, or by an Umpire to be named by such Referees, and shall be paid or allowed in  
15 account by the Landlord who shall have so elected to purchase the same.

# Landlord and Tenant.

A

## B I L L

[AS AMENDED IN COMMITTEE]

To improve the Law of Landlord and Tenant in relation to Emblements, to growing Crops seized in Execution, and to Agricultural Tenants Fixtures.

(*Prepared and brought in by  
Mr. Mullings, Mr. Sotherton, and Mr. Spooner.*)

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*Ordered, by The House of Commons, to be Printed,  
18 June 1851.*

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409.

*Under 1 oz.*

# Lands Clauses Consolidation (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

Short Title of Act ; Sect. 1.

Application of the Act ; 2.

Certain Provisions of "The Lands Clauses Consolidation Act, 1845,"  
not applicable to this Act ; 3.

Maps, Schedules, and Estimates to be delivered at the Office of  
Commissioners of Public Works in Ireland, and Copies thereof  
deposited with Clerks of the Peace and Clerks of Unions ; 4.

On Application of Company, Commissioners of Railways to appoint  
an Arbitrator ; 5

Arbitrator may call for Documents and administer Oaths ; 6.

Arbitrator to make and subscribe Declaration ; 7.

Maps, &c. deposited with Commissioners of Public Works to be  
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to be published ; 8.

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Costs of Parties ; 13.

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Company to pay the Amount mentioned in Certificates to Parties, on  
Demand, &c. ; 15.

Company may take possession when such Amount is paid ; 16.

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As to Payment of Monies where Parties making Claims deemed not  
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Money to be paid into the Bank where no Claim made, or Parties  
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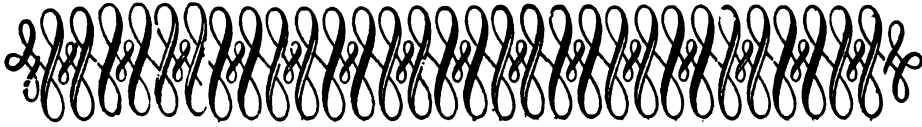
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Act to extend to Ireland only ; 29.

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4 July 1851. 14 & 15 VICT.



(Ireland.)

A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Alter and amend certain Provisions of the Lands  
Clauses Consolidation Act, 1845, so far as relates  
to Ireland.

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*Note.—The Clauses marked A. B. and C. were added in Committee.*

---

**W**HEREAS, on account of the great Number of small Preamble.  
Occupiers, and of other Circumstances connected with the  
Tenure of Land in Ireland, the Provisions of the Lands  
Clauses Consolidation Act, 1845, are found to be unsuited to the  
5 existing Condition of that Country, and it is expedient that some  
Provision should be made for ascertaining the Purchase Money or  
Compensation to be paid by Railway Companies in Ireland for the  
Lands required for their Undertakings, and for determining Differences  
with respect to the Works to be made and maintained by such  
10 Companies for the Accommodation of the Owners and Occupiers  
of Lands adjoining such Railways: Be it therefore enacted by the  
Queen's most Excellent Majesty, by and with the Advice and  
Consent of the Lords Spiritual and Temporal, and Commons, in  
this present Parliament assembled, and by the Authority of the same,  
15 as follows:

I. In citing this Act in other Acts of Parliament, legal Instruments, Short Title.  
Proceedings at Law or in Equity, and all other Instruments and  
Proceedings whatsoever, it shall be sufficient to use the Expression  
"The Railways Act (Ireland), 1851."

487.

A

II. This



Proceedings whatsoever, it shall be sufficient to use the Expression "The Railways Act (Ireland), 1851."

Act to apply to Railway Undertakings in Ireland authorized in this and future Sessions, and now authorized.

II. This Act shall apply to every Railway in Ireland authorized to be made by any Act passed in this Session of Parliament, or which shall hereafter be passed, and which shall authorize the Purchase or taking of Lands for such Railway, and also to every Railway or Portion of a Railway in Ireland by any Act heretofore passed authorized to be made in relation to which the compulsory Powers for taking Lands are still in force, and this Act shall be incorporated with and form Part of the Acts authorizing the said Undertakings. 10

Certain Provisions of "The Lands Clauses Consolidation Act, 1845," not to apply to this Act.

III. The Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, except Sections Sixteen and Seventeen of the said Act, shall not be applicable or in force with respect to any Railway or Portion of a Railway in Ireland to which this Act applies. 15

Company to deliver Maps, Schedules, and Estimates at the Office of Commissioners of Railways, and deposit Copies with Clerks of the Peace and Clerks of Unions.

IV. Where any Company authorized to make a Railway to which this Act applies shall require to purchase or take any Lands which they are by the Special Act authorized to purchase or take, the Company shall cause to be made out, and to be signed by their Engineer and Secretary, Maps or Plans and Schedules of all the Lands required by the Company for the Purposes of the Railway so authorized to be made (and for the Purchase of which Lands, or of all the several Interests in which Lands, the Company shall not have contracted), and also of all Works which the Company propose to make and maintain for the Accommodation of Lands adjoining the Railway (and for Compensation in lieu of which the Company shall not have contracted), together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands respectively, so far as the same can be reasonably ascertained, with Estimates of the gross annual Value and the Value in Fee of such Lands so required to be purchased or taken as aforesaid, and for the Purchase of which, or of all the several Interests in which, the Company shall not have contracted, and the separate and distinct Value of each such Interest which the Company shall not have contracted to purchase (taking into consideration Damage by Severance, and any other Matters by the Lands Clauses Consolidation Act, 1845, required to be considered, if necessary); and every such Map or Plan shall be upon a Scale of not less than One Inch to every Two hundred Feet; and all Lands, Buildings, Yards and Courtyards, and Lands within the Curtilage of any Building, and Ground cultivated as a Garden, shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Parliamentary 20 25 30 35 40

required to be considered, if necessary); and every such Map or Plan shall be upon a Scale of not less than One Inch to every Two hundred Feet; and all Lands, Buildings, Yards and Courtyards, and Lands within the Curtilage of any Building, and Ground  
 5 cultivated as a Garden, shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Parliamentary Plans of the Railway, and shall have put thereon a distinct Valuation to each Number, and all Bridges, Roads, and other Works proposed to be made for the Use and Accommodation of the  
 10 Owners, Lessees, and Occupiers of the Lands adjoining the Railway shall also be marked on the said Maps or Plans; and the Company shall deposit such Maps or Plans, Schedules and Estimates, at the Office of the Commissioners of Public Works in Ireland, and a Copy of such Maps or Plans, Schedules and Estimates, or so much thereof  
 15 as relates to every County in or through which the Railway is proposed to be made, with the Clerk of the Peace of each such County, and a Copy of so much of the said Maps or Plans, Schedules and Estimates, as relates to each Electoral Division in which any such Lands shall be situate, with the Clerk of the Poor Law  
 20 Union in which every such Electoral Division is situate.

V. After such Deposit at the Office of the said Commissioners as aforesaid, it shall be lawful for the said Commissioners, upon the Application of the Company, to appoint an Arbitrator between the Company and the Persons interested in the Lands to which  
 25 such Maps or Plans, Schedules and Estimates relate, and such Arbitrator shall, in relation to the Lands required and the Works to be made and maintained by the Company, as herein mentioned, be the Arbitrator under this Act; and if any such Arbitrator die, or refuse, decline, or become incapable to act, the said Commissioners  
 30 may appoint an Arbitrator in his Place, who shall have the same Powers and Authorities as the Arbitrator first appointed.

VI. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Company, or of any Party making any Claim under the Provisions of this Act, which such  
 35 Arbitrator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine any such Party and his Witnesses, and the Witnesses for the Company, on Oath, and administer the Oaths necessary for that Purpose.

VII. Before any Arbitrator shall enter upon any Inquiry he shall, 40 in the Presence of a Justice of the Peace, make and subscribe the following Declaration; that is to say,

‘ I A.B. do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine

Commissioners of Public Works to appoint an Arbitrator, on Application of Company.

Arbitrator may call for Documents, and administer Oaths.

Arbitrator to make and subscribe Declaration.

‘ determine the Matters referred to me under the Provisions of the  
 ‘ Act [*naming this Act*].

‘ A.B.

‘ Made and subscribed in the Presence of

And such Declaration shall be annexed to the Award when made ; 5  
 and if any Arbitrator, having made such Declaration, wilfully act  
 contrary thereto, he shall be guilty of a Misdemeanor.

Maps, &c.  
 deposited  
 with Com-  
 missioners  
 of Public  
 Works to be  
 delivered to  
 Arbitrator.  
 Notice of  
 Appointment  
 of Arbitrator,  
 &c. to be  
 published.

VIII. Upon the First Appointment of an Arbitrator as aforesaid,  
 the said Commissioners shall deliver to such Arbitrator the Maps  
 or Plans, Schedules and Estimates, deposited at their Office as 10  
 herein-before required ; and the Company shall forthwith after such  
 Appointment publish Notice of such Appointment, and of such  
 Deposits as herein-before directed with such Clerk of the Peace and  
 Clerks of Poor Law Unions as aforesaid, once in the Dublin Gazette,  
 and once in each of Three successive Weeks in some One and the 15  
 same Newspaper circulated in the County in which the Lands are  
 situate, stating the Times and Places of such Deposits, and requiring  
 all Persons claiming to have any Right to or Interest in the Lands  
 required for the Purposes of the Railway, and specified in such Maps  
 or Plans, or to have Compensation for any Injury to any Lands 20  
 injuriously affected by the Execution of the Works of the Company,  
 or to have any Works made by the Company for the Accom-  
 modation of Lands adjoining the Railway, to deliver to the Arbitra-  
 tor, on or before a Day fixed by the Arbitrator and named in such  
 Notice (and which Day shall not be earlier than Thirty-one Days 25  
 from the Date of the Insertion of the last of such Newspaper  
 Notices), a short Statement in Writing of the Nature of such  
 Claim ; and upon the Appointment of any Arbitrator in the Place  
 of an Arbitrator dying, or refusing, declining, or becoming incapable  
 to act, all the Documents relating to the Matter of the Arbitration 30  
 which were in the Possession of such Arbitrator shall be delivered to  
 the Arbitrator appointed in his Place, and the Company shall publish  
 Notice of such Appointment in the Dublin Gazette.

Arbitrator to  
 adjudicate  
 upon Com-  
 pensation to  
 be paid for  
 Lands and  
 upon Accom-  
 modation  
 Works.

IX. The Arbitrator shall, after the Expiration of the Period  
 within which such Claims are required to be delivered to him as 35  
 aforesaid, proceed to inquire into and adjudicate upon the Value of  
 the Lands required for the Purposes of the Railway, and speci-  
 fied in such Maps or Plans, and the several Interests in such Lands,  
 in respect of which no Agreement shall have been come to between  
 the Company and the Persons entitled thereto, and the Purchase 40  
 Money to be paid for such Lands, and the Compensation to be paid  
 for Injury to any Lands injuriously affected by the Execution of the  
 Works of the Company, and to inquire and determine what Works  
 should

should be made and maintained by the Company for the Accommodation of Lands adjoining the Railway; and the Arbitrator shall, after due Inquiry and Examination, frame a Draft Award setting forth the Price or Compensation to be paid by the Company in  
5 respect of the several Interests in the Lands so required and specified or injuriously affected, and the Works to be made and maintained by the Company for the Accommodation of Lands adjoining the Railway; and where any Inquiry relates not only to the Value of the Lands to be purchased, but also to Compensation claimed  
10 for Injury done or to be done to any Lands held therewith, the Arbitrator shall award separate and distinct Sums to be paid for the Purchase of such Lands, or of any Interest therein to which the Inquiry may relate, and for the Damage (if any) to be sustained by reason of the severing of the Lands taken from the other Lands,  
15 or otherwise injuriously affecting such other Lands by the Exercise of the Powers of the Company; and such Draft Award, and Copies thereof, or of so much thereof as relates to Lands in the respective Counties and Electoral Divisions shall be deposited as herein-before directed concerning the said Maps or Plans, Schedules and Estimates, and Copies thereof, or of so much thereof as aforesaid; and  
20 the Arbitrator shall cause Notice to be published as herein-before directed concerning Notice of the Deposit of Copies of the said Maps or Plans, Schedules and Estimates, or so much thereof as aforesaid, of the Deposit of Copies of such Draft Award, or of so much thereof  
25 as aforesaid, and shall in such Notice appoint a Time and Place, or Times and Places, for holding a Meeting or Meetings to hear Objections against such Draft Award (the first such Meeting to be not earlier than Twenty-one Days after the last Day of Publication of the said Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then  
30 and there be made to such Draft Award by any Person interested therein, or adjourn the further Hearing thereof, if the Arbitrator see fit, to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Lands or Interests  
35 as aforesaid, or the Justice or Propriety of any other Matter of such Draft Award, and may from Time to Time, if he see Occasion, appoint and hold further Meetings for hearing and determining Objections to such Draft Award, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-  
40 before directed; and when the Arbitrator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly; and every such Award shall be  
B binding

herein-after contained, upon all Persons whomsoever; and no such Award shall be set aside for Irregularity in Matter of Form; and every such Award, and Copies thereof, or of so much thereof as relates to Lands in the respective Counties and Parishes, shall be deposited as herein-before directed with respect to the said Maps or Plans, 5 Schedules and Estimates, and Copies thereof, or of so much thereof as aforesaid; and the Company shall thereupon publish Notice, as herein-before directed concerning Notice of the Deposit of Copies of such Maps or Plans, Schedules and Estimates, or of so much thereof as aforesaid, of the Deposit of Copies of such Award, or of so much 10 thereof as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands the Price or Compensation to be paid in respect of which is ascertained by such Award to deliver to the Company, on or before a Day to be named in such Notice (such Day not being earlier than Thirty-one Days from the Date of the last 15 Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded; and such Statement and Abstract shall be paid for by the Company.

Separate Awards may be made as to Lands in the several Parishes or otherwise.

X. Provided always, That the Arbitrator may make several 20 Awards, so as to include in a separate Award the Lands in each Parish, or such Portion of the Lands in relation to which he is Arbitrator as, having reference to the Deposits to be made under this Act, the Meetings to be holden, and the Inquiries to be made in relation to such Lands, and the Convenience of the Parties 25 interested in the Matter of the Arbitration, he may think fit.

Clerks of the Peace and Clerks of Unions required to take charge of Documents deposited.

7 W. 4. & 1 Vict. c. 83.

XI. Every Clerk of the Peace and Clerk of any Union is hereby required to retain the Documents to be deposited with him under this Act in his Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the 30 same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King William the Fourth and the First Year of Her Majesty, Chapter Eighty-three.

Expenses of the Arbitrator to be borne by the Company.

XII. All Costs, Charges, and Expenses incurred by the Arbi- 35 trator in carrying this Act into execution shall be paid by the Company; and the Amount of such Costs, Charges, and Expenses shall from Time to Time be certified by the Arbitrator; and it shall be lawful for the Arbitrator from Time to Time to require the Com- 40 pany to deposit in the Bank of Ireland, to the Credit of the Commissioners of Public Works in Ireland, any Sum or Sums of Money, or to give such other Security for the Payment of any such Costs, Charges, and

and Expenses as to the Arbitrator shall seem fit; and every Certificate of the Arbitrator, certifying the Amount of any such Costs, Charges, and Expenses, and allowed by the said Commissioners, shall be taken as Proof in all Proceedings at Law or in Equity of the Amount  
 5 of such respective Costs, Charges, and Expenses, and the Amount so certified and allowed shall be a Debt due from the Company to the Crown, and shall be recoverable accordingly: Provided always, *Proviso.* that no such Certificate shall be allowed by the said Commissioners until the Expiration of Fourteen Days after Notice of such  
 10 Certificate to the Company; and it shall be lawful for the Company, at any Time within Fourteen Days after such Notice, to appeal to such Commissioners against such Certificate, and such Commissioners shall inquire into the Matter of such Appeal, and may, if they see proper, cause to be made and allow such altered Certificate as the  
 15 Case may require.

XIII. It shall be lawful for the Arbitrator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before  
 him, to certify the Amount of the Costs properly incurred by such Party in relation to the Arbitration, and the Amount of the Costs  
 20 so certified shall be paid by the Company; and if within Seven Days after Demand the Amount so certified be not paid to the Party entitled to receive the same, such Amount shall be recoverable by Distress, and on Application to any Justice he shall issue his Warrant accordingly; but no such Certificate shall be given where  
 25 the Arbitrator has awarded the same or a less Sum than has been offered by the Company in respect of such Claim before the Commencement of the Arbitration.

XIV. Within Thirty Days from the Delivery of such Statement and Abstract as aforesaid to the Company, the Company shall, where  
 30 it appears to them that any Person so claiming is absolutely entitled to the Lands, Estate, or Interest claimed by him, deliver to such Person, on Demand, a Certificate under the Company's Seal, stating the Amount of the Price or Compensation to which he is entitled under the said Award; and where more Lands than are included in One  
 35 Number shall be claimed by the same Person, such Lands, or the Interests therein, may be included in One Certificate, if the Company think fit, such Certificates to be prepared by and at the Costs of the Company; and where any Agreement has been entered into in respect to the Value of the Interest of any Person in any Lands, or  
 40 his Right to Compensation, the Company may, where it appears to them that such Person is absolutely entitled, deliver to such Person a like Certificate.

trators, or Assigns; and if the Company wilfully make default in such Payment as aforesaid, then the Party named in such Certificate shall be entitled to enter up Judgment against the Company in the Court of Queen's Bench in Ireland for the Amount of the Sums specified in such Certificate, in the same Manner in all respects as if 5 he had been, by Warrant of Attorney from the Company, authorized to enter up Judgment for the Amount mentioned in the Certificate, with Costs, as is usual in like Cases; and all Monies payable under such Certificates, or to be recovered by such Judgments as aforesaid, shall at Law and in Equity be taken as Personal Estate as from the Time of 10 the Company entering on any such Lands as aforesaid.

When  
Amount  
mentioned  
in Certifi-  
cates paid to  
Parties, on  
Demand, &c.,  
Company  
may take  
possession.

XVI. When and so soon as the Company have paid to the Party to whom any such Certificate as aforesaid is given, or otherwise, as herein provided, in the Cases herein-after mentioned, the Amount specified to be payable by such Certificate to the Party to whom or 15 in whose Favour the Certificate is given, his Executors, Administrators, or Assigns, it shall be lawful for the Company from Time to Time to enter upon any Lands in respect of which such Certificate is given, and thenceforth to hold the same for the Estate or Interest in respect of which the Amount specified in such Certificate was 20 payable.

Receipts  
duly stamped  
to operate as  
a Convey-  
ance.

XVII. In every Case in which any Monies are paid on any such Certificate as aforesaid, the Party receiving such Monies shall give to the Company a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate and 25 Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an ad valorem Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate (but exclusive of the Amount of Compensation for Damage 30 by Severance or other Injury) as would have been necessary if such Receipt had been an actual Conveyance of such Estate or Interest, every such Receipt to be prepared by and at the Costs of the Company.

Payment of  
Monies  
where Par-  
ties making  
Claims  
deemed not  
entitled, or  
are under  
Disability, or  
Title not  
satisfactorily  
deduced.

XVIII. If it appear to the Company, from any such Statement and 35 Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, or Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Lands, Estate, or Interest be not satisfactorily deduced to the Company, then and in every such Case 40 the Amount to be paid by the Company in respect of such Lands, Estate, or Interest as aforesaid shall be paid and applied as provided by

by the Clauses of "The Lands Clauses Consolidation Act, 1845,"  
 "with respect to the Purchase Money or Compensation coming to  
 "Parties having limited Interests, or prevented from treating, or not  
 "making Title."

5 XIX. Where any Person claiming any Right or Interest in any  
 Lands shall refuse to produce his Title to the same, or where  
 the Company have taken possession of any Lands under the Pro-  
 visions of this Act in respect of the Price or Compensation whereof,  
 or of any Estate or Interest wherein, no Claim has been made  
 10 within One Year from the Time of the Company taking possession,  
 or if any Party to whom any such Certificate has been given or  
 tendered refuse to receive such Certificate, or to accept the Amount  
 therein specified as payable to him, then and in any such Case  
 the Amount payable by the Company in respect of such Lands,  
 15 Estate, or Interest, or the Amount specified in such Certificate,  
 shall be paid into the Bank of Ireland, in the Name and with  
 the Privity of the Accountant General of the Court of Chancery in  
 Ireland, in manner provided by the last-mentioned Clauses of "The  
 Lands Clauses Consolidation Act, 1845," and the Amount so paid  
 20 into the said Bank shall be accordingly dealt with as by the said  
 Act provided; and no Monies paid into the Bank under this Act shall  
 be liable to Usher's Poundage.

Where no  
 Claim made,  
 or Parties  
 refuse to  
 accept Sum  
 certified,  
 Money to be  
 paid into the  
 Bank.

XX. Nothing herein contained shall prevent the Company from  
 requiring any further Abstract or Evidence of Title respecting any  
 25 Lands included in any such Award as aforesaid, in addition to the  
 Abstract or Statement herein-before mentioned, if they think fit,  
 so as the same be obtained at the Costs of the Company.

Nothing to  
 prevent  
 Company  
 requiring  
 further Evi-  
 dence of  
 Title, at their  
 Costs.

XXI. If from any Reason whatever the Company shall not  
 deliver the Certificate aforesaid to any Party claiming to be entitled  
 30 to any Interest in any Lands the Possession whereof has been taken  
 by the Company as aforesaid, then the Right to have a Certificate  
 according to the Provisions of this Act may, at the Costs and  
 Charges of the Company, be enforced by any Party or Parties, by  
 Application to the High Court of Chancery in Ireland in a sum-  
 35 mary Way by Petition, and all other Rights and Interests of any  
 Party or Parties arising under the Provisions of this Act may be  
 in like Manner enforced against the Company by such Application  
 as aforesaid.

Delivery of  
 Certificate  
 may be  
 enforced by  
 Court of  
 Chancery.

XXII. Provided always, That where the Company are desirous, for  
 40 the Purposes of their Works, of entering upon any Lands before they  
 would be entitled to enter thereon under the Provisions herein-before  
 contained, it shall be lawful for the Company, at any Time after the  
 Arbitrator shall have framed his Draft Award, upon depositing in the  
 375. C Bank

After De-  
 posit of  
 Draft Award  
 Company  
 may, upon  
 Deposit of  
 such Amount  
 as Arbitrator



may think  
fit, enter  
upon Lands.

Company to  
pay Interest  
from Time of  
Entry.

Mode of  
Deposit.

Deposit to  
remain as a  
Security, and

Bank of Ireland, as herem directed, such Sum as the Arbitrator may certify to be in his Opinion the proper Amount to be so deposited in respect of any Lands authorized to be purchased or taken by the Company, and mentioned in such Draft Award, to enter upon and use such Lands for the Purposes of the Railway and Works of the 5 Company ; and the Arbitrator shall, upon the Request of the Company, at any Time after he shall have framed such Draft Award, certify under his Hand the Sum which in his Opinion should be so deposited by the Company in respect of any Lands mentioned in such Draft Award before they enter upon and use the same as aforesaid, 10 and the Sum to be so certified shall be the Sum or the Amount of the several Sums set forth in such Draft Award as the Sum or Sums to be paid by the Company in respect of such Lands, or such greater Amount as to the Arbitrator, under the Circumstances of the Case, may seem proper ; and, notwithstanding such Entry as aforesaid, all 15 Proceedings for and in relation to the Completion of the Award, the Delivery of Certificates, and other Proceedings under this Act, shall be had, and Payments made, as if such Entry and Deposit had not been made ; provided that the Company shall, where they enter upon any Lands by virtue of this present Provision, pay Interest at the 20 Rate of Five Pounds per Centum per Annum upon the Purchase and Compensation Money payable by them in respect of any Lands so entered upon, from the Time of their Entry until the Time of the Payment of such Money and Interest to the Party entitled thereto, or where, under the Provisions of this Act, such Purchase Money or 25 Compensation is required to be paid into the said Bank, then until the same, with such Interest, is paid into such Bank accordingly ; and where under this Provision Interest is payable on any Purchase or Compensation Money the Certificate to be delivered by the Company in respect thereof shall specify that Interest is so payable, and the 30 same shall be recoverable in like Manner as the Principal Money mentioned in such Certificate.

XXIII. The Money to be deposited as aforesaid in respect of any Lands shall be paid into the Bank of Ireland in the Name and with the Privy of the Accountant General of the Court of Chancery in 35 Ireland, to be placed to his Account there to the Credit of the Company (describing the Company by its proper Name), in the Matter of the Railways Act (Ireland), 1851, and of the Lands in respect of which the same is paid, subject to the Control and Disposition of the said Court ; and upon such Deposit the Cashier of the 40 said Bank shall give to the Company, or to the Party paying in such Money by their Direction, a Receipt for the same.

XXIV. The Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties interested in the Lands which

which shall so have been entered upon, for the Payment of the Money to become payable by the Company in respect thereof under the Award of the Arbitrator; and the Money so deposited may, on the Application by Petition of the Company, be ordered to be invested in Bank Annuities or Government Securities, and accumulated; and upon such Payment as aforesaid by the Company it shall be lawful for the Court of Chancery in Ireland, upon a like Application, to order the Money so deposited, or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Company, or, in default of such Payment as aforesaid by the Company, it shall be lawful for the said Court to order the same to be applied in such Manner as it shall think fit for the Benefit of the Parties for whose Security the same shall so have been deposited.

to be applied under the Direction of the Court.

XXV. If at any Time the Company be unable, by reason of the closing of the Office of the Accountant General of the said Court of Chancery, to obtain his Authority in respect of the Payment of any Sum of Money so authorized to be deposited in the Bank by way of Security as aforesaid, it shall be lawful for the Company to pay into the Bank, to such Credit as aforesaid (subject nevertheless to being dealt with as herein provided), such Sum of Money as the Company shall by some Writing signed by their Secretary or Solicitors for the Time being, addressed to the Governor and Company of the Bank in that Behalf, request, and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof; and in every such Case, within Ten Days after the re-opening of the said Accountant General's Office, the Solicitor for the Company shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General, and upon Production of such Direction at the Bank of Ireland the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt for the said Payment be given to the Party making the same in the usual Way, for the Purpose of being filed at the Report Office.

Company may deposit Money by way of Security while the Office of the Accountant General is closed.

XXVI. The Provisions of this Act shall extend to the Purchase by the Company of Lands for extraordinary Purposes.

Act to apply to the Purchase of Lands for extraordinary Purposes.

XXVII. All the Provisions of "The Lands Clauses Consolidation Act, 1845," shall, subject to the Provisions herein contained, extend to and be taken as Part of this Act, except so far as the same are inconsistent therewith.

Lands Clauses Consolidation Act incorporated with this Act.

XXVIII. In the Construction of this Act the Words "the Company" shall mean the Company constituted by the Special Act.

Meaning of "the Company."

XXIX. This Act shall extend to Ireland only.

Act to extend to Ireland only.

any Party claiming any Interest in any Monies so paid into Court as aforesaid shall be dissatisfied with the Amount of the Price or Compensation in respect of which such Monies shall be so paid into Court, and where any Party interested in Land adjoining any Railway shall be dissatisfied with any Award under this Act so far as respects any Works for the Accommodation of such Lands thereby awarded to be made and maintained by the Company, or which such Party may claim to have so made and maintained, it shall be lawful for such Party, at the Assizes for the County in which the Lands are situate, or, where the Lands are situate in the County of Dublin or County of the City of Dublin, in the Term next following the giving of such Certificate, or the Payment of such Money into Court, or (if the Claim be only in respect of Accommodation Works) the making of the Award, or where such Assizes are holden or such Term begins within less than Twenty-one Days after the giving of such Certificate, or the Payment of such Money, or the making of the Award, then at the next subsequent Assizes, or in the next subsequent Term (as the Case may be), upon giving Ten Days Notice in Writing previously to such Assizes or Term respectively to the Secretary of the Company, of the Amount or the Accommodation Works intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had, and subject to like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of Public Monies by Grand Juries in Ireland: Provided always, that the Sum to be awarded or allowed as the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of Twenty Pounds, and further that no Party shall have any other Remedy for the Purpose of impeaching the Amount of any Price or Compensation ascertained by any such Award as aforesaid, or the Sufficiency of the Accommodation Works awarded thereby, other than by means of such Traverse as aforesaid, anything in any Act to the contrary notwithstanding.

**CLAUSE B.**  
Verdict on  
Traverse to  
have Effect  
of Judgment.

XXVII. The Entry of the Verdict of the Jury in case of each Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment at Law obtained in the Court of Queen's Bench in Ireland against the Company, and may be enforced by like Remedies against the Company, as in the Case of a Judgment at Law, by all Parties interested therein; and in each Case where a Certificate shall have been delivered, such Damages shall be taken and recovered in lieu of the

the Monies expressed to be payable by the Certificate, and which shall, on Payment of the Damages, and any Costs payable by the Company, be delivered up to the said Company, and such Receipt for such Damages shall be given as is herein-before provided in Cases  
 5 of Payment of Monies on such Certificates as aforesaid; and where such Damages shall be given in respect of any Land, the Amount of the Price or Compensation in respect of which, as ascertained by an Award under this Act, shall have been paid into Court, then if the Amount of such Damages shall be less than the Amount paid into  
 10 Court, the Company shall, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Damages and the Amount of the Sum paid into Court, but if the Amount of such Damages shall exceed the Amount of the Monies paid into Court, then the Difference between the Amount paid in and the  
 15 Damages shall, at the Costs of the Company, be paid into Court; and the Payment of such Difference into Court, and the Payment of any Costs payable by the Company in respect of such Traverse, shall be a good Discharge to the Company on any such Verdict in the Nature of a Judgment as aforesaid.

20 XXVIII. The Provisions of this Act shall extend to the Purchase by the Company of Lands for extraordinary Purposes.

Act to apply to the Purchase of Lands for extraordinary Purposes.

XXIX. All the Provisions of "The Lands Clauses Consolidation Act, 1845," shall, subject to the Provisions herein contained, extend to and be taken as Part of this Act, except so far as the same are  
 25 inconsistent therewith.

Lands Clauses Consolidation Act incorporated with this Act.

XXX. In the Construction of this Act the Words "the Company" shall mean the Company constituted by the Special Act.

Meaning of "the Company."

XXXI. This Act shall extend to Ireland only.

Act to extend to Ireland only.

XXXII. This Act shall continue in force for Five Years next  
 30 after the passing thereof, and thence to the End of the then next Session of Parliament.

CLAUSE C. Act to continue in force for Five Years.

# Lands Clauses Consolidation.

(Ireland.)

A

## B I L L

[AS AMENDED IN COMMITTEE AND ON  
RE-COMMITMENT]

To alter and amend certain Provisions of  
the Lands Clauses Consolidation Act,  
1845, so far as relates to Ireland.

*(Prepared and brought in by  
Mr. Labouchere, Sir William Somerville, and  
Mr. Attorney General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,  
25 July 1851.*

*Under 3 oz.*

# Law of Evidence Amendment Bill.

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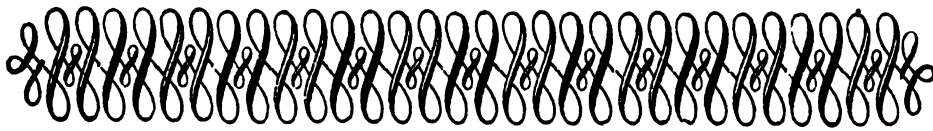
## ARRANGEMENT OF CLAUSES.

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- Proviso of 6 & 7 Vict. c. 85. repealed ; Sect. 1.
- Parties to the Suit, and Person in whose Behalf the Suit is instituted, to be good Evidence ; 2.
- Party, and Husband and Wife of Party, charged with Offence not compellable to give Evidence ; 3.
- Nothing herein to extend to Proceedings in consequence of Adultery or Breach of Promise of Marriage ; 4.
- Party intending to be examined as a Witness on his own Behalf to give Notice to the adverse Party, &c. ; 5.
- Act not to repeal Provisions of 7 W. 4. & 1 Vict. c. 26. as to Wills ; 6.
- Common Law Courts may compel Inspection of Documents whenever Equity would grant Discovery ; 7.
- Seal or Signature or judicial Character of Person signing certified Copies of Foreign and Colonial Acts of State, Judgments, &c. sufficient Proof ; 8.
- Apothecaries Certificates admissible without Proof of Seal ; 9.
- Documents admissible without Proof of Seal, &c. in England or Wales equally admissible in Ireland, and vice versâ ; 10, 11.
- Documents admissible without Proof of Seal, &c. in England, Wales, or Ireland equally admissible in the Colonies ; 12.
- Registers of British Vessels and Certificates of Registry admissible as *prima facie* Evidence of their Contents, without Proof of Signature, &c. ; 13.
- Copies of Documents admissible in Evidence, provided they be proved to have been examined, or purport to be signed or certified ; 14.
- Any authorized Officer wilfully certifying a false Document, guilty of a Misdemeanor ; 15.
- Power to Court, &c. to administer Oaths to Witnesses ; 16.
- Forging Seal, Stamp, or Signature, of certain Documents, or wilfully uttering same, Felony ; 17.
- Act not to extend to Scotland ; 18.
- Interpretation of " British Colony " ; 19.
- Act not to apply to Proceedings already commenced ; 20.



22 July 1851. 14 & 15 VICT.



A

# B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law of Evidence.

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[Note.—*The Clause marked A. was added in Committee.*]

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**W**HEREAS it is expedient to amend the Law of Evidence Preamble.  
in divers Particulars: Be it therefore enacted by the  
Queen's most Excellent Majesty, by and with the Advice  
and Consent of the Lords Spiritual and Temporal, and Commons, in  
5 this present Parliament assembled, and by the Authority of the same,  
as follows :

I. So much of Section One of the Act of the Sixth and Seventh Repeal of  
recited Pro-  
viso in s. 1.  
of 6 & 7 Vict.  
c. 85.  
Years of Her present Majesty, Chapter Eighty-five, as provides that  
the said Act shall "not render competent any Party to any Suit,  
10 " Action, or Proceeding individually named in the Record, or any  
" Lessor of the Plaintiff, or Tenant of Premises sought to be recovered  
" in Ejectment, or the Landlord or other Person in whose Right any  
" Defendant in Replevin may make Cognizance, or any Person in  
" whose immediate and individual Behalf any Action may be brought  
15 " or defended, either wholly or in part," is hereby repealed.

II. On the Trial of any Issue joined, or of any Matter or Question, Parties to be  
admissible  
Witnesses.  
or on any Inquiry arising in any Suit, Action, or other Proceeding in  
any Court of Justice, or before any Person having by Law, or by  
571. A Consent



Consent of Parties, Authority to hear, receive, and examine Evidence, the Parties thereto, and the Persons in whose Behalf the Suit, Action, or other Proceeding may be brought or defended, shall, except as herein-after excepted, be competent and compellable to give Evidence, either vivâ voce or by Deposition, according to the Practice of the 5 Court, on behalf of either or any of the Parties to the said Suit, Action, or other Proceeding.

Proviso as to Criminal Proceedings.

III. But nothing herein contained shall render any Person who in any Criminal Proceeding is charged with the Commission of any indictable Offence, or any Offence punishable on summary Conviction, competent or compellable to give Evidence for or against himself or herself, or shall in any civil Proceeding render any Person compellable to answer any Question tending to criminate himself or herself, or shall in any Criminal Proceeding render any Husband competent or compellable to give Evidence for or against his Wife, 15 or any Wife competent or compellable to give Evidence for or against her Husband.

Proviso as to Proceedings in consequence of Adultery, &c.

IV. Nothing herein contained shall apply to any Action, Suit, Proceeding, or Bill in any Court of Common Law, or in any Ecclesiastical Court, or in either House of Parliament, instituted in consequence 20 of Adultery, or to any Action for Breach of Promise of Marriage.

Party intending to be examined as a Witness on his own Behalf to give Notice to the adverse Party, &c.

V. Provided always, That in case any such Party as aforesaid shall intend to be examined as a Witness on his own Behalf, he shall give Notice in Writing to the adverse Party, his Attorney or Agent, of such Intention Four Days at the least before such Examination 25 shall be taken, or otherwise such Party shall not be admissible to give Evidence.

Proviso as to Provisions of 7 W. 4. & 1 Vict. c. 26.

VI. Nothing herein contained shall repeal any Provision contained in Chapter Twenty-six of the Statute passed in the Session of Parliament holden in the Seventh Year of the Reign of King William 30 the Fourth and the First Year of the Reign of Her present Majesty.

Common Law Courts authorized to compel Inspection of Documents whenever Equity would grant Discovery.

VII. Whenever any Action or other legal Proceeding shall henceforth be pending in any of the Superior Courts of Common Law at Westminster or Dublin, or the Court of Common Pleas for the County Palatine of Lancaster, or the Court of Pleas for the 35 County of Durham, such Court and each of the Judges thereof may respectively, on Application made for such Purpose by either of the Litigants, compel the opposite Party to allow the Party making the Application to inspect all Documents in the Custody or under the Control of such opposite Party relating to such Action or other 40 legal Proceeding, and, if necessary, to take examined Copies of the same,

same, or to procure the same to be duly stamped, in all Cases in which previous to the passing of this Act a Discovery might have been obtained by filing a Bill or by any other Proceeding in a Court of Equity at the Instance of the Party so making Application as  
5 aforesaid to the said Court or Judge.

VIII. All Proclamations, Treaties, and other Acts of State of any Foreign State or of any British Colony, and all Judgments, Decrees, Orders, and other judicial Proceedings of any Court of Justice in any Foreign State or in any British Colony, and all Affidavits, Pleadings,  
10 and other legal Documents filed or deposited in any such Court, may be proved in any Court of Justice, or before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, either by examined Copies or by Copies authenticated as herein-after mentioned; that is to say, if the Document  
15 sought to be proved be a Proclamation, Treaty, or other Act of State, the authenticated Copy to be admissible in Evidence must purport to be sealed with the Seal of the Foreign State or British Colony to which the original Document belongs; and if the Document sought to be proved be a Judgment, Decree, Order, or other judicial Pro-  
20 ceeding of any Foreign or Colonial Court, or an Affidavit, Pleading, or other legal Document filed or deposited in any such Court, the authenticated Copy to be admissible in Evidence must purport either to be sealed with the Seal of the Foreign or Colonial Court to which the original Document belongs, or, in the event of such Court  
25 having no Seal, to be signed by the Judge, or, if there be more than One Judge, by any One of the Judges of the said Court, and such Judge shall attach to his Signature a Statement in Writing on the said Copy that the Court whereof he is a Judge has no Seal; but if any of the aforesaid authenticated Copies shall purport to be  
30 sealed or signed as herein-before respectively directed, the same shall respectively be admitted in Evidence in every Case in which the original Document could have been received in Evidence, without any Proof of the Seal where a Seal is necessary, or of the Signature, or of the Truth of the Statement attached thereto, where such  
35 Signature and Statement are necessary, or of the judicial Character of the Person appearing to have made such Signature and Statement.

Foreign and Colonial Acts of State, Judgments, &c. provable by certified Copies, without Proof of Seal or Signature or judicial Character of Person signing the same.  
8 & 9 Vict. c. 113.

IX. Every Certificate of the Qualification of an Apothecary which shall purport to be under the Common Seal of the Society of the Art and Mystery of Apothecaries of the City of London, shall be  
40 received in Evidence in any Court of Justice, and before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, without any Proof of the said Seal or of the Authenticity of the said Certificate, and shall be deemed sufficient  
571. Proof

Apothecaries Certificates admissible without Proof of Seal.

**Proof of Seal.**

Art and Mystery of Apothecaries of the City of London, shall be received in Evidence in any Court of Justice, and before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, without any Proof of the said Seal or of the Authenticity of the said Certificate, and shall be deemed sufficient 5 Proof that the Person named therein has been from the Date of the said Certificate duly qualified to practise as an Apothecary in any Part of England or Wales.

**Documents admissible without Proof of Seal, &c. in England or Wales equally admissible in Ireland.**

X. Every Document which by any Law now in force or hereafter to be in force is or shall be admissible in Evidence of any 10 Particular in any Court of Justice in England or Wales without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same, shall be admitted in Evidence to the same Extent and for the same Purposes in any Court of Justice in Ireland, or before 15 any Person having in Ireland by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same. 20

**Documents admissible without Proof of Seal, &c. in Ireland equally admissible in England and Wales.**

XI. Every Document which by any Law now in force or hereafter to be in force is or shall be admissible in Evidence of any Particular in any Court of Justice in Ireland without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same, 25 shall be admitted in Evidence to the same Extent and for the same Purposes in any Court of Justice in England or Wales, or before any Person having in England or Wales by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, without Proof of the Seal or Stamp or Signature authenticating the same, or of the 30 judicial or official Character of the Person appearing to have signed the same.

**Documents admissible without Proof of Seal, &c. in England, Wales, or Ireland equally admissible in the Colonies.**

XII. Every Document which by any Law now in force or hereafter to be in force is or shall be admissible in Evidence of any Particular in any Court of Justice in England or Wales or Ireland 35 without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same, shall be admitted in Evidence to the same Extent and for the same Purposes in any Court of Justice of any of the British Colonies, or before any Person having in any of such 40 Colonies by Law or by Consent of Parties, Authority to hear, receive, and examine Evidence, without Proof of the Seal or Stamp or

of Justice, or before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, either by the Production of the Original or by an examined Copy thereof, or by a Copy thereof purporting to be certified under the Hand of the Person having the Charge of the Original, and which Person is hereby required to furnish such certified Copy to any Person applying at a reasonable Time for the same, upon Payment of the Sum of One Shilling; and every such Register or such Copy of a Register, and also every Certificate of Registry, granted under any of the Acts relating to the Registry of British Vessels, and purporting to be signed as required by Law, shall be received in Evidence in any Court of Justice, or before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, as *prima facie* Proof of all the Matters contained or recited in such Register, when the Register or such Copy thereof as aforesaid is produced, and of all the Matters contained or recited in or endorsed on such Certificate of Registry when the said Certificate is produced.

tificates of Registry admissible as *prima facie* Evidence of their Contents, without Proof of Signature, &c. 12 & 13 Vict. c. 29. 8 & 9 Vict. c. 89., 3 & 4 W. 4. c. 55., 6 G. 4. c. 110., and 4 G. 4. c. 41.

XIV. And whereas it is expedient, as far as possible, to reduce the Expense attendant upon the Proof of Criminal Proceedings: Be it enacted, That whenever in any Proceeding whatever it may be necessary to prove the Trial and Conviction or Acquittal of any Person charged with any indictable Offence, it shall not be necessary to produce the Record of the Conviction or Acquittal of such Person, or a Copy thereof, but a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment, Trial, Conviction, and Judgment, or Acquittal, as the Case may be, purporting to be signed by the Clerk of the Court, or other Officer having the Custody of the Records of the Court where such Conviction or Acquittal took place, or by the Deputy of such Clerk or other Officer, (for which Certificate a Fee of Six Shillings and Eightpence, and no more, shall be demanded or taken,) shall for all Purposes be sufficient Evidence of the Facts therein alleged, without Proof of the Signature or official Character of the Person appearing to have signed the same.

CLAUSE A. Certificates to be received in Evidence in lieu of Record of Conviction or Acquittal.

XV. Whenever any Book or other Document is of such a public Nature as to be admissible in Evidence on its mere Production from the proper Custody, and no Statute exists which renders its Contents provable by means of a Copy, any Copy thereof or Extract therefrom shall be admissible in Evidence in any Court of Justice, or before any Person now or hereafter having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, provided it be proved to be an examined Copy or Extract, or provided it purport to

Examined or certified Copies of Documents admissible in Evidence.

be signed and certified as a true Copy or Extract by the Officer to whose Custody the Original is intrusted, and which Officer is hereby required to furnish such certified Copy or Extract to any Person applying at a reasonable Time for the same, upon Payment of a reasonable Sum for the same, not exceeding Fourpence for every 5 Folio of Ninety Words.

Certifying a false Document a Misdemeanor.

XVI. If any Officer authorized or required by this Act to furnish any certified Copies or Extracts shall wilfully certify any Document as being a true Copy or Extract, knowing that the same is not a true Copy or Extract, as the Case may be, he shall be guilty of a Misdemeanor, and be liable, upon Conviction, to Imprisonment for any Term not exceeding Eighteen Months. 10

Court, &c. may administer Oaths.

XVII. Every Court, Judge, Justice, Officer, Commissioner, Arbitrator, or other Person, now or hereafter having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, 15 is hereby empowered to administer an Oath to all such Witnesses as are legally called before them respectively.

Persons forging Seal, Stamp, or Signature of certain Documents, or wilfully uttering same, guilty of Felony.

XVIII. If any Person shall forge the Seal, Stamp, or Signature of any Document in this Act mentioned or referred to, or shall tender in Evidence any such Document with a false or counterfeit Seal, 20 Stamp, or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Transportation for Seven Years, or to Imprisonment for any Term not exceeding Three Years nor less than One Year, with Hard Labour; and whenever any such Document shall have been ad- 25 mitted in Evidence by virtue of this Act, the Court or the Person who shall have admitted the same may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall be impounded and be kept in the Custody of some Officer of the Court or other proper Person, for such Period and subject to 30 such Conditions as to the said Court or Person shall seem meet; and every Person who shall be charged with committing any Felony under this Act, or under the Act of the Eighth and Ninth Years of Her present Majesty, Chapter One hundred and thirteen, may be dealt with, indicted, tried, and, if convicted, sentenced, and his 35 Offence may be laid and charged to have been committed, in the County, District, or Place in which he shall be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in 40 any County, District, or Place in which the principal Offender may be tried.

8 & 9 Vict. p. 113.

XIX. This

XIX. This Act shall not extend to Scotland.

Act not to  
extend to  
Scotland.

XX. The Words "British Colony" as used in this Act shall apply to all the British Territories under the Government of the East India Company, and to the Islands of Guernsey, Jersey, Alderney, Sark,  
5 and Man, and to all other Possessions of the British Crown, where-  
soever and whatsoever.

Interpreta-  
tion of "Bri-  
tish Colony."

XXI. This Act shall not apply to any Actions, Suits, or other  
Proceedings commenced before the passing hereof.

Act not to  
apply to  
Proceedings  
already com-  
menced.

# Law of Evidence Amendment.

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A

## B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law of Evidence.

*(Brought from the Lords 30 June 1851.)*

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*Ordered, by The House of Commons, to be Printed,  
22 July 1851.*

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571.

*Under 2 oz.*

2 August 1851. 14 & 15 VICT.



A

# B I L L

INTITULED

An Act to amend an Act passed in the Session of Parliament held in the Twelfth and Thirteenth Years of the Reign of Her present Majesty Queen Victoria, intituled “An Act for converting  
“ the renewable Leasehold Tenure of Lands in  
“ Ireland into a Tenure in Fee.”

**W**HEREAS by an Act passed in the Session of Parliament held in the Twelfth and Thirteenth Years of the Reign of Her present Majesty Queen Victoria, intituled “An Act for  
“ converting renewable Leasehold Tenure of Lands in Ireland into a  
5 “ Tenure in Fee,” (after certain Enactments and Provisions therein contained,) it was provided and enacted, that where the Estate into which the Reversion from the Owner of which a Grant should be required as therein aforesaid would be converted upon such Grant under the Provisions therein-before contained would not afford full  
10 Compensation for the Loss of such Reversion, or of any Power, Benefit, or Advantage incident thereto, or exercised or enjoyed by or on behalf of the Owner thereof under any Local or Personal Act of Parliament, Charter, Settlement, or otherwise, the Owner of such Reversion might require such Loss to be compensated by such an  
Addition

Preamble  
12 & 13 Vict.  
c. 105.

122



## 2 *Leasehold Tenure of Land (Ireland) Act Amendment.*

Addition in respect thereof to the Fee-farm Rent to be made payable under such Grant, or, at the Option of the Owner of such Reversion, by the Payment of such gross Sum of Money (the Amount in either case to be ascertained as therein-after mentioned in case the Parties should differ about the same) as would afford a full Compensation for 5 such Loss, to be ascertained according to the Difference in marketable Value: And whereas some of the Reversioners, Owners, and Grantors mentioned and referred to in the said Act may be seised or possessed of qualified and limited Estates and Interests only, and it is therefore considered expedient that so much of the recited Proviso and Enact- 10 ment as authorizes the Owner of the Reversion at his Option to require the additional Compensation therein directed to be by Payment of a gross Sum of Money should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Com- 15 mons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of so much of 12 & 13 Vict. c. 105. as provides Compensation for Loss by a gross Sum.

Reversions sustaining Loss to be compensated under the recited Proviso and Enactment according to the Intention here stated.

I. That so much of the said Act as provides that Compensation for any Loss or Difference in Value between the Reversionary Estate and Interest required to be granted and the Value of the Fee-farm 20 Rent to be thereafter reserved may be compensated by the Payment of a gross Sum shall be and is hereby repealed.

II. And whereas Doubts have been entertained whether, according to the true Intent and Meaning of the said Act, additional Compensation should be made where the Rent into which the Reversion shall be 25 required to be converted shall be of less pecuniary marketable Value than what would have been the pecuniary marketable Value of the Reversion to be conveyed if the said Act had not passed, and it is expedient and just that such Doubts should be removed and determined: Be it therefore declared and enacted, That it is the true Intent 30 and Meaning of the said Act that every Grant and Assurance made under the Provisions and Authority of the said Act shall reserve and be subject to a Fee-farm Rent of such an Amount as shall in pecuniary marketable Value be fully equal to the pecuniary marketable Value of the said Reversion, subject to the perpetual Right of Renewal 35 by the Tenant,



Leasehold Tenure of Land  
(Ireland) Act Amendment.

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A

B I L L

INTITULED

An Act to amend an Act passed in the Session of Parliament held in the Twelfth and Thirteenth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act for converting the renewable Leasehold Tenure of Lands in Ireland into a Tenure in Fee."

(Brought from the Lords 1 August 1851.)

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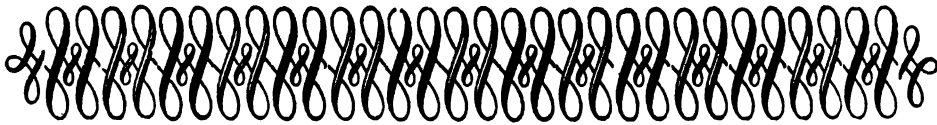
*Ordered, by The House of Commons, to be Printed,  
2 August 1851.*

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*Under 1 oz.*

26 June 1851. 14 & 15 VICT.



A

# B I L L

TO

Continue an Act to amend the Laws relating to  
Loan Societies.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS an Act was passed in the Fourth Year of the Preamble.  
Reign of Her Majesty, intituled “An Act to amend the 3 & 4 Vict.  
“Laws relating to Loan Societies,” which Act has been c. 110.  
continued by sundry Acts until the First Day of October in the Year  
5 One thousand eight hundred and fifty-one, and to the End of the then  
next Session of Parliament; and it is expedient that the same should  
be further continued: Be it enacted by the Queen’s most Excellent  
Majesty, by and with the Advice and Consent of the Lords Spiritual  
and Temporal, and Commons, in this present Parliament assembled,  
10 and by the Authority of the same, That the said Act shall be further Recited Act  
continued to the *First Day of October in the Year One thousand further con-*  
*eight hundred and fifty-two, and to the End of the then next Session*  
*of Parliament.* tinued.





# **Loan Societies.**

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A

## **B I L L**

To continue an Act to amend the Laws  
relating to Loan Societies.

(Prepared and brought in by  
*Mr. Bouvier and Sir George Grey.*)

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*Ordered, by The House of Commons, to be Printed,  
26 June 1851.*

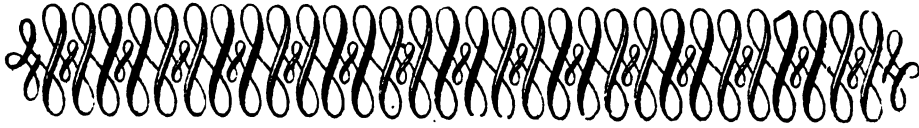
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438.

*Under 1 oz.*

11 July 1851. 14 & 15 VICT.



A

# B I L L

TO

Repeal an Act of the Eleventh and Twelfth Years of Her present Majesty, for making preliminary Inquiries in certain Cases of Applications for Local Acts, and to make other Provisions in lieu thereof.

**W**HEREAS an Act was passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-nine: And whereas it is expedient to repeal the said Act, and to make other Provisions in lieu thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Preamble.  
11 & 12 Vict.  
c. 129.

I. That in respect of all future Applications to Parliament for Local Acts the said recited Act shall be and the same is hereby repealed.

Recited Act  
repealed.

II. Whenever Application shall be made to Parliament for a Bill whereby Power is sought to construct any Works on the Shore of the Sea,

Where  
Works pro-  
posed on



tidal Lands,  
Admiralty  
may require  
Statements,  
&c.

Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and so far up the same as the Tide flows and reflows, or to construct any Bridge, Viaduct, or other Work across any Creek, Bay, Arm of the Sea, or navigable River where and so far up the same as the Tide flows and reflows, it shall be lawful 5 for the Lord High Admiral, or for the Lords Commissioners for executing the Office of Lord High Admiral, to require the Promoters of such Bill to deposit at the Office of the Admiralty, in addition to the Plans, Sections, or other Documents which may have been deposited at such Office in compliance with the Standing Orders of either 10 House of Parliament, all such Statements and other Documents as the said Lord High Admiral or Lords Commissioners shall deem necessary to explain the Objects of the intended Application to Parliament, and the proposed Interference with such tidal Lands or Navigation, as the Case may be. 15

Admiralty  
may appoint  
Inspectors.

III. It shall be lawful for the said Lord High Admiral or Lords Commissioners, if they shall consider the same necessary or expedient, but not otherwise, to appoint a competent Person or Persons to be an Inspector or Inspectors, to inquire and report to them whether in his or their Opinion the Consent of Her Majesty should be signified to 20 such Bill, and under what Conditions such Consent should be signified, or whether such Consent should not be signified to such Bill or any Provisions thereof.

Inspectors  
may summon  
Witnesses  
and examine  
them upon  
Oath.

IV. For the Purposes of such Inquiry the said Inspector or Inspectors may, by Summons under his or their Hands, summon before 25 him or them any Person having the Custody of any Map, Survey, or Book made or kept in pursuance of any Act of Parliament, to produce such Map, Survey, or Book for his or their Inspection, and the said Inspector or Inspectors may summon, in manner aforesaid, any other Person whose Evidence shall, in the Judgment of the said Inspector 30 or Inspectors, be material to his or their Inquiries, and pay or allow to every such Person so summoned by him or them the reasonable Charges of his Attendance; and the said Inspector or Inspectors shall also have Power to administer an Oath to all Persons who may be examined by him or them touching the Premises. 35

Penalty for  
Non-atten-  
dance or  
refusing to  
answer Ques-  
tions.

V. Any Person, being summoned by such Inspector or Inspectors, who, after the Delivery to him of such Summons as aforesaid, or of a Copy thereof, shall wilfully neglect or refuse to attend in pursuance of such Summons, or to produce such Maps, Surveys, Books, or other Documents as he may be required to produce under the Provisions 40 herein-before contained, or to answer upon Oath or otherwise such Questions as may be put to him by such Inspector or Inspectors under

under the Powers herein contained, shall be liable to forfeit and pay a Penalty not exceeding Five Pounds, which may be recovered before any Two or more Justices having Jurisdiction within the Town, District, or Place wherein such Inquiry shall be held; and on Con-  
5 viction of the Offender, and in default of Payment of any such Penalty, such Justices shall be empowered and required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under their Hands and Seals; and such Penalty shall be paid to the Treasurer of the County within which  
10 such Conviction shall take place in aid of the County Rate; provided that no Person, other than the Promoters of the proposed Act, or their Agents, shall be required to attend in obedience to any Summons, unless the reasonable Charges of his Attendance be paid or tendered to him, nor to travel in obedience thereto more than Ten Miles from  
15 his usual Place of Abode.

VI. The Persons whose Names shall be subscribed to the Petition for any Private Bill shall be deemed to be Promoters of such Bill for all the Purposes of this Act, notwithstanding the Persons subscribing such Petition shall have signed for or on behalf of any other Party.

Petitioners  
for the Bill  
to be deemed  
the Promo-  
ters.

20 VII. In citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to use the Expression "The Preliminary Inquiries Act, 1851."

Form of  
citing the  
Act.

# Local Acts (Preliminary Inquiries).

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A

## B I L L

To repeal an Act of the Eleventh and  
Twelfth Years of Her present Majesty,  
for making preliminary Inquiries in  
certain Cases of Applications for Local  
Acts, and to make other Provisions in  
lieu thereof.

(Prepared and brought in by  
Sir J. Y. Beller, Mr. Wilson Patten,  
and Mr. Dooley.)

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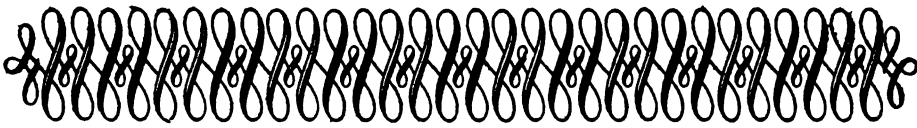
*Ordered, by The House of Commons, to be Printed,*  
11 July 1851.

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532.

*Under 1 oz.*

8 April 1851. 14 VICT.



A

# B I L L

TO

## Encourage the Establishment of Lodging Houses for the Labouring Classes.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS it is desirable, for the Health, Comfort, and Preamble.  
Welfare of the Inhabitants of Towns and populous Dis-  
tricts, to encourage the Establishment therein of well-  
ordered Lodging Houses for the Labouring Classes: Be it enacted by  
5 the Queen's most Excellent Majesty, by and with the Advice and  
Consent of the Lords Spiritual and Temporal, and Commons, in this  
present Parliament assembled, and by the Authority of the same,

I. That this Act may be adopted for any incorporated Borough in Act may be  
England which is regulated under an Act passed in the Sixth Year of adopted in  
10 the Reign of His late Majesty, to provide for the Regulation of Muni- certain Bo-  
cipal Corporations, or any Charter granted in pursuance of the said roughs and  
Act, or any Act passed for the Amendment thereof, and also, with Parishes.  
the Approval of One of Her Majesty's Principal Secretaries of  
State, for any Parish in England not within any such incorporated  
15 Borough.

II. That in this Act the following Words and Expressions shall Interpreta-  
have the several Meanings hereby assigned to them, unless there be tion of Act.  
something in the Subject or Context repugnant to such Construction;  
that is to say,  
20 "Parish" shall mean every Place maintaining its own Poor, and  
having a Vestry:

190.

A

"Borough"

"Borough" shall mean City, Borough, Port, Cinque Port, or Town Corporate :

"Ratepayers" shall mean all Persons for the Time being assessed to and paying Rates for the Relief of the Poor of the Parish :

"Churchwardens" shall mean also Chapelwardens or other Persons 5 discharging the Duties of Churchwardens :

"Overseers" shall mean also any Persons authorized and required to make and collect or cause to be collected the Rate for the Relief of the Poor of the Parish, and acting instead of Overseers of the Poor: 10

59 G.3. c. 12.

1 & 2 W. 4.  
c. 60.

"Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under an Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled "An 15  
"Act to amend the Laws for the Relief of the Poor," or elected under an Act passed in the Second Year of the Reign of His late Majesty, intituled "An Act for the better Regulation of  
"Vestries, and for the Appointment of Auditors of Accounts,  
"in certain Parishes of England and Wales," or elected under 20  
the Provisions of any Local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select Vestry, and shall also mean any Body of Persons, by whatever Name distinguished, acting, by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead 25  
of a Vestry or Select Vestry :

"Commissioners" shall mean the Commissioners appointed in accordance with this Act for any Parish, and for the Time being in Office and acting as such Commissioners :

"Clerk" shall mean, as regards an incorporated Borough, the 30  
Town Clerk of such Borough, and, as regards a Parish, the Clerk appointed pursuant to this Act by the Commissioners :

"Justice" shall mean Justice of the Peace for the County, Riding, Division, Liberty, Borough, or Place where the Matter requiring the Cognizance of Justices shall arise : 35

"Lands" shall mean Lands, Tenements, and Hereditaments, of whatsoever Nature or Tenure :

Words importing the Masculine Gender shall include the Feminine :

Words of the Plural Number shall include the Singular, and Words 40  
of the Singular Number shall include the Plural.

Council of  
any Borough  
may adopt  
the Provi-

III. That the Council of any such Borough as aforesaid may, if they think fit, determine that this Act shall be adopted for such Borough, and then and in such Case such of the Provisions of this Act

Act as are applicable in that Behalf shall thenceforth take effect and come into operation in such Borough, and this Act shall be carried into execution in such Borough, in accordance with such Provisions and the Laws for the Time being in force relating to the Municipal Corporation of such Borough.

IV. That the Expenses of carrying this Act into execution in any such Borough in which the Council shall have resolved to adopt this Act for their Borough shall be chargeable upon and paid out of the Borough Fund, and for that Purpose the Council may levy with and as Part of the Borough Rate, or by a separate Rate to be assessed, levied, paid, and recovered in like Manner and with the like Powers and Remedies in all respects as the Borough Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses, and shall apply the same accordingly, as if the Expense of carrying this Act into execution were an Expense necessarily incurred in carrying into effect the Provisions of the said Act of the Sixth Year of the Reign of His late Majesty; and the Income arising from the Lodging Houses in any Borough shall be paid to the Credit of the Borough Fund thereof; and the Council shall keep distinct Accounts of their Recepits, Payments, Credits, and Liabilities with reference to the Execution of this Act, to be called "The Lodging Houses Account."

V. That, upon the Requisition in Writing of *Ten* or more Ratepayers of any such Parish as aforesaid not being within any such incorporated Borough, the Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry in such Parish shall convene a Meeting of the Vestry for the special Purpose of determining whether this Act shall be adopted for the Parish, after public Notice of such Vestry, and the Place and Hour of holding the same, and the special Purpose thereof, given in the usual Manner in which Notice of the Meetings of the Vestry is given, at least *Seven* Days before the Day to be appointed for holding such Vestry; and if thereupon it shall be resolved by the Vestry that this Act ought to be adopted for the Parish, a Copy of such Resolution, extracted from the Minutes of the Vestry, and signed by the Chairman, shall be sent to One of Her Majesty's Principal Secretaries of State, for his Approval, and as soon as such Approval shall have been signified in Writing under the Hand of any such Secretary of State such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in the Parish: Provided always, that such Resolution of the Vestry shall not be deemed to be carried unless at least *Two Thirds* of the Number of Votes given on the Question according to the usual Manner

sions contained in this Act, if they think fit.

Expenses of carrying this Act into execution shall be charged upon the Borough Fund, and Income arising carried to same.

On the Requisition of Ten Ratepayers, Churchwardens, &c. to convene Vestry Meeting, to determine whether this Act shall be adopted.

If Vestry resolve to adopt the Act, a Copy of Resolution to be sent to Secretary of State, &c.

Resolution not deemed to be carried unless Two

Thirds vote  
for it.

Manner of voting at such Vestry, shall have been given for such Resolution.

Where Act  
adopted  
Vestry to ap-  
point Com-  
missioners  
for carrying  
the same into  
execution.

VI. That in such Case the Vestry shall appoint not less than *Three* nor more than *Seven* Persons, being Ratepayers of the Parish, Commissioners for carrying this Act into execution in the Parish, of 5 whom *One Third*, or as nearly as may be *One Third* (to be determined among themselves), shall go out of Office yearly, but shall be eligible for immediate Re-appointment.

Resignation  
of Commis-  
sioners.

VII. That any Commissioner may at any Time resign his Office as a Commissioner, on giving *Seven* Days Notice in Writing of his 10 Intention to resign, to the Clerk, and also to the Churchwardens.

Vacancies to  
be filled up  
by Vestry.

VIII. That any Vacancies in the Commissionership may be filled up by the Vestry, when and as the Vestry shall think fit.

Meetings of  
the Commis-  
sioners.

IX. That the Commissioners shall meet at least once in every Calendar Month, at their Office, or some other convenient Place 15 previously publicly notified.

Special  
Meetings of  
Commis-  
sioners.

X. That the Commissioners may meet at such other Time as at any previous Meeting shall be determined upon; and it shall be at all Times competent for any One Commissioner, by Writing under his Hand, to summon, with at least *Forty-eight* Hours Notice, the 20 Commissioners for any special Purpose therein named, and to meet at such Times as shall be therein named.

Quorum of  
Meetings of  
Commis-  
sioners.

XI. That at all Meetings of the Commissioners any Number, not less than *One Third* of the whole Number when more than *Three* Commissioners shall have been appointed, and when only *Three* 25 Commissioners shall have been appointed, then any Number not less than *Two* Commissioners, shall be a sufficient Number for transacting Business, and for exercising all the Powers of the Commissioners.

Commis-  
sioners may  
appoint and  
remove  
Officers, &c.

XII. That the Commissioners shall appoint, and may remove, at Pleasure, a Clerk and such other Officers and Servants as shall be 30 necessary for effecting the Purposes of this Act, and, with the Approval of the Vestry, may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire and rent a sufficient Office for holding their Meetings and transacting their Business, and may agree for and pay a reasonable 35 Rent for such Office.

XIII. That

XIII. That all Orders and Proceedings of the Commissioners shall be entered in Books to be kept by them for that Purpose, and shall be signed by the Commissioners or any Two of them; and all such Orders and Proceedings, so entered, and purporting to be so signed, shall be deemed to be original Orders and Proceedings, and such Books may be produced and read as Evidence of all such Orders and Proceedings upon any Appeal, Trial, Information, or other Proceeding, civil or criminal, and in any Court of Law or Equity whatsoever.

Minutes of Proceedings of Commissioners to be entered in a Book.

XIV. That the Commissioners shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act in the Parish, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money shall have been paid and such Liabilities shall have been incurred; and such Books shall at all reasonable Times be open to the Examination of every Commissioner, Churchwarden, Overseer, and Ratepayer, without Fee or Reward, and they respectively may take Copies of or Extracts from such Books or any Part thereof, without paying for the same; and in case the Commissioners or any of them, or any of their Officers or Servants, having the Custody of such Books, being thereunto reasonably requested, shall refuse to permit or shall not permit any Churchwarden, Overseer, or Ratepayer to examine the same, or take any such Copy or Extract, every Commissioner, Officer, or Servant so offending shall for every such Offence forfeit any Sum not exceeding *Five Pounds*.

Commissioners to keep Accounts, which shall be open to Inspection.

Penalty for refusing to allow Inspection.

XV. That the Vestry shall yearly appoint Two Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners; and at such Time in the Month of March in every Year after the Adoption of this Act for the Parish as the Vestry shall appoint the Commissioners shall produce to the Auditors their Accounts, with sufficient Vouchers for all Monies received and paid, and the Auditors shall examine such Accounts and Vouchers, and report thereon to the Vestry.

Auditors to be appointed yearly, who shall examine the Accounts and report to Vestries.

XVI. That the Expenses of carrying this Act into execution in any Parish not within any such incorporated Borough, to such Amount as shall be from Time to Time sanctioned by the Vestry shall be chargeable upon and paid out of the Monies to be raised or applicable for the Relief of the Poor of the Parish.

Expenses of executing Act in any Parish to be paid out of the Poor's Rate.

XVII. That for defraying the Expenses which shall have been or shall be incurred in carrying this Act into execution in the Parish

Overseers to levy as Part of the Poor's

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the



according to the Order of the Vestry, to such Person as shall be appointed by the Commissioners to receive the same, and his Receipt shall be a sufficient Discharge to the Overseers for the same, and shall be allowed accordingly in passing their Accounts.

Monies raised, and the Income arising from Lodging Houses in the Parish, to be applied towards defraying Expenses.

That the Money raised for defraying the Expenses of carrying 5 this Act into execution, and the Income arising from the Lodging Houses in the Parish, shall be applied by the Commissioners in or towards defraying the Expenses of carrying this Act into execution in the Parish; and whenever, after Repayment of all Monies 10 borrowed for the Purpose of carrying this Act into execution in the Parish, and the Interest thereof, and after satisfying all the Liabilities of the Commissioners with reference to the Execution of this Act in the Parish, and providing such a Balance as shall be deemed by the Commissioners sufficient to meet their probable Liabilities during the then next Year, there shall be at the Time of holding the Meeting of 15 the Vestry at which the yearly Report of the Auditors shall be produced any surplus Money at the Disposal of the Commissioners, they shall pay the same to the Overseers, in aid of the Rate for the Relief of the Poor of the Parish.

Vestries of Two or more Parishes may concur in carrying this Act into execution, subject to the Approval of Secretary of State.

That the Vestries of any Two or more neighbouring Parishes 20 which shall have respectively adopted this Act may concur in carrying this Act into execution in such Parishes, in such Manner, not inconsistent with the Provisions of this Act, and for such Time, as they shall mutually agree; and for that Purpose it may, with the Approval of such Secretary of State, be agreed on between such Ves- 25 tries that any Lodging Houses shall be erected and made in any One of such Parishes, to be vested in the Commissioners thereof, and that the Expenses of carrying this Act into execution with reference to the same shall be borne by such Parishes in such Proportions as such Vestries shall mutually agree, and the Proportion for each of such 30 Parishes of such Expenses shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of the same respective Parish accordingly; and, according and subject to the Terms which shall have been so agreed on, the Commissioners appointed for each of such Parishes shall in the Management of the said Lodg- 35 ing Houses form One Body of Commissioners, and shall act accordingly in the Execution of this Act; and the Accounts and Vouchers of such Commissioners shall be examined and reported on by the Auditors of each of such Parishes, and the surplus Money at the Disposal as aforesaid of such Commissioners shall be paid to the Over- 40 seers of such Parishes respectively, in the same Proportions as those in which such Parishes shall be liable to such Expenses.

That

That for the more easy Execution of the Purposes of this Act the Commissioners of every such Parish shall be a Body Corporate, with perpetual Succession, which shall not be deemed to be interrupted by any partial or total Vacancy from Time to Time in  
 5 their Office, by the Name of "The Commissioners for Lodging Houses in the Parish of ( ) in the County of ( )," and by that Name may sue and be sued in all Courts, and before all Justices and others, and may have and use a Common Seal, and by that Name may take, hold, and convey  
 10 any Lands vested in them for the Purposes of this Act.

*Incorporation of Commissioners.*

That all Acts and Proceedings of any Person in possession of the Office of such Commissioner, and acting in good Faith as such Commissioner, shall, notwithstanding his Disqualification or Want of Qualification for, or any Defect or Irregularity in, or in any  
 15 way concerning his Appointment to such Office, be as valid and effectual as if he were duly qualified, or there had not been any such Defect or Irregularity.

*Acts of Commissioners to be good notwithstanding Informalities.*

That for carrying this Act into execution in any Borough, District, or Parish respectively, the Council, with the Approval of the  
 20 Commissioners of Her Majesty's Treasury, and also with the Approval of the General Board of Health, and the Board, with the Approval of the General Board of Health, and the Commissioners, with the Sanction of the Vestry, and also with the Approval of the Commissioners of Her Majesty's Treasury, and also with the Approval of the General  
 25 Board of Health, may from Time to Time borrow, at Interest, on the Security of a Mortgage, as the Case may be, of the Borough Fund, or of the General District Rates, or of the Improvement Rates, or of the Rates for the Relief of the Poor of the Parish, the Money which may be by them respectively required, and shall apply the Monies so  
 30 borrowed accordingly.

*Councils, &c. may borrow Money for the Purposes of the Act, with the Approval of the Treasury.*

That the Commissioners for carrying into execution an Act passed in the Tenth Year of the Reign of Her Majesty, intituled "An Act to authorize the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor," may from Time to Time make to the Council of  
 35 any such Borough or to any Board or to the Commissioners of any such Parish respectively, for the Purposes of this Act, any Loan, under the Provisions of the recited Act, or the several Acts therein recited or referred to, upon Security of the Borough Fund, or the  
 40 General District Rates, or the Improvement Rates, or the Rates for the Relief of the Poor of the Parish, as the Case may be.

*The Public Works Loan Commissioners may advance Money for the Purposes of this Act.*

8 & 9 Vict.  
c. 16. incor-  
porated with  
this Act, for  
certain Pur-  
poses.

That the Provisions of the Companies Clauses Consoli-  
dation Act, 1845, with respect to the borrowing of Money by any  
Company on Mortgage, and the Provisions of the same Act with  
respect to the Accountability of the Officers of the Company, and the  
Provisions of the same Act with respect to the making of Byelaws, 5  
subject to the Provision herein-after contained, and the Provisions of  
the same Act with respect to the Recovery of Damages not specially  
provided for, and Penalties, so far as such Provisions may respectively  
be applicable to the Purposes of this Act, shall be respectively incor-  
porated with this Act; and the Expressions in such Provisions appli- 10  
cable to the Company and the Directors shall apply, as regards a  
Borough, to the Council, and as regards a Parish, to the Commis-  
sioners; and all Deeds and Writings which under such Provisions are  
required or directed to be made or executed under the Common Seal  
of the Company shall, in the Application of such Provisions to this 15  
Act, be deemed to be required or directed to be made or executed,  
as regards a Borough, under the Common Seal of the Mayor, Alder-  
men, and Burgesses, and, as regards a Parish, under the Common Seal  
of the Commissioners; and so much of such Provisions as are appli-  
cable to the Secretary of the Company shall apply to the Clerk; and 20  
in such of the said Provisions as relate to the Inspection of Accounts,  
as regards a Borough, the Burgesses, and, as regards a Parish, the  
Ratepayers, shall have the Privileges of Shareholders.

Incorporation of 8 & 9  
Vict. c. 18.

That the Lands Clauses Consolidation Act, 1845, shall be incor-  
porated with this Act: Provided always, that the Council, the Board, 25  
and the Commissioners respectively shall not purchase or take any  
Lands otherwise than by Agreement.

Council may  
appropriate,  
with Consent  
of the Treas-  
ury, Lands  
vested in the  
Mayor, &c.

Commis-  
sioners may,  
with Ap-  
proval of  
Vestry, &c.,  
appropriate  
Lands be-  
longing to  
Parish;

or contract  
for Purchase  
of the same.

That in any such Borough the Council, with the Approval  
of the Commissioners of Her Majesty's Treasury, may from Time  
to Time appropriate for the Purposes of this Act in the Borough any 30  
Lands vested in the Mayor, Aldermen, and Burgesses; and in any  
such District the Board, with the Approval of the General Board of  
Health, may from Time to Time appropriate for the Purposes of this  
Act in the District any Lands vested in the Board or at the Disposal  
of the Board; and in any such Parish the Commissioners appointed 35  
under this Act, with the Approval of the Vestry and of the Guardians  
of the Poor of the Parish (if any), and of the Poor Law Board, may  
from Time to Time appropriate for the Purposes of this Act in the  
Parish any Lands vested in such Guardians, or in the Churchwardens,  
or in the Churchwardens and Overseers of the Parish, or in any 40  
Feoffees, Trustees, or others, for the general Benefit of the Parish;  
and in any such Parish the Commissioners, with the Approval of the  
Vestry, and in any such Borough, the Council, and in any such  
District

District the Board, may from Time to Time contract for the purchasing or renting of any Lands necessary for the Purposes of this Act; and the Property therein shall be vested in the Mayor, Aldermen, and Burgesses, in the Case of a Borough, or in the Board in the Case of  
5 a District, or in the Commissioners, in the Case of a Parish.

That the Council and Board and Commissioners respectively may from Time to Time, on any Lands so appropriated, purchased, or rented, or contracted so to be, respectively, erect any Buildings suitable for Lodging Houses for the Labouring Classes, and convert any  
10 Buildings into Lodging Houses for the Labouring Classes, and may from Time to Time alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Councils and Commissioners may erect Lodging Houses.

That the Council and Board and Commissioners respectively may from Time to Time enter into any Contract with any Persons or Companies for building and making, and for altering, enlarging, repairing, and improving, such Lodging Houses, and for supplying the same respectively with Water, and for lighting the same respectively, and for fitting up the same respectively, and for furnishing  
20 any Materials and Things, and for executing and doing any other Works and Things necessary for the Purpose of this Act, which Contracts respectively shall specify the several Works and Things to be executed, furnished, and done, and the Prices to be paid for the same, and the Times when the Works and Things are to be executed,  
25 furnished, and done, and the Penalties to be suffered in Cases of Nonperformance; and all such Contracts, or true Copies thereof, shall be entered in the Books to be kept for that Purpose: Provided always, that a Contract above the Value or Sum of One hundred Pounds shall not be entered into by the Council or the Board or the  
30 Commissioners for the Purposes of this Act unless previous to the making thereof Fourteen Days Notice shall be given in One or more of the public Newspapers published in the County in which the Borough or District or Parish shall be situated, expressing the Intention of entering into such Contract, in order that any Person willing  
35 to undertake the same may make Proposals for that Purpose, to be offered to the Council or Board or Commissioners at a certain Time and Place in such Notice to be mentioned; but it shall not be incumbent on the Council or Board or Commissioners to accept any of the Proposals so offered.

Councils and Commissioners may enter into Contracts for the Purposes of this Act.

No Contract above 100*l*. to be entered into without Notice.

40 That the Council of any such Borough, and the Board of any such District, and the Commissioners, with the Approval of the Vestry of any such Parish, may, if they shall think fit, contract for the Purchase of any such existing  
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Council or Commissioners may purchase existing

Lodging  
Houses.

Purchase or Lease of any Lodging Houses for the Labouring Classes already or hereafter to be built and provided in any such Borough or District or Parish, and appropriate the same to the Purposes of this Act, with such Additions or Alterations as they shall respectively deem necessary; and the Trustees of any Lodging Houses for 5 the Labouring Classes which have been already or may hereafter be provided in any such Borough or District or Parish, by private Subscriptions or otherwise, may, with the Consent of the Council of any such Borough, or with the Consent of the Board of any such District, or with the Consent of the Commissioners, and Approval of the 10 Vestry of any such Parish, and with the Consent of a Majority of the Committee or other Persons by whom they were appointed Trustees, sell or lease the said Lodging Houses to the said Council or Board or Commissioners respectively, or make over to them the Management of such Lodging Houses; and in all such Cases the Lodging Houses so 15 purchased or leased, or of which the Management has been so made over, shall be deemed to be within the Provisions of this Act, as fully as if they had been built or provided by the Council or Board or Commissioners, and the Property therein shall be vested in the Mayor, Aldermen, and Burgesses, in the Case of a Borough, or in 20 the Board in the Case of a District, or in the Commissioners in the Case of a Parish.

Power to  
Water and  
Gas Com-  
panies to  
supply Water  
and Gas to  
Lodging  
Houses.

That any Commissioners of Waterworks, Trustees of Waterworks, Water Companies, Gas Companies, and other Corporations, Bodies, and Persons having the Management of any Waterworks, 25 Reservoirs, Wells, Springs, and Streams of Water, and Gasworks respectively, may, in their Discretion, grant and furnish Supplies of Water or Gas for such Lodging Houses, either without Charge or on such other favourable Terms as they shall think fit.

Councillors  
and Com-  
missioners  
not to be  
personally  
liable.

That anything in this Act contained shall not render any 30 Member of the Council of any Borough, or any Member of any such Board, or any Commissioner, personally, or any of their Lands, Goods, Chattels, or Monies, (other than such Lands, Goods, Chattels, or Monies as may be vested in or under the Management or Control of the Council or Board or Commissioners respectively in pursuance 35 of this Act,) liable to the Payment of any Sum of Money as or by way of Compensation or Satisfaction for or in respect of anything done or suffered in due pursuance of this Act.

Persons may  
appeal  
against Or-  
ders of Coun-  
cils and Com-  
missioners.

That every Person who shall feel aggrieved by any Byelaw, Order, Direction, or Appointment of or by the Council or Board or 40 Commissioners shall have the like Power of Appeal to the General Quarter Sessions as under the Provisions of the Companies Clauses Consolidation

Consolidation Act, 1845, incorporated with this Act, he might have, if feeling aggrieved by any Determination of any Justice with respect to any Penalty.

That the Council, with the Approval of the Commissioners of Council, &c. empowered to make sale and exchange of Lands, with Consent.  
 5 Her Majesty's Treasury, and the Board with the Approval of the General Board of Health, and the Commissioners appointed under this Act, with the Approval of the Vestry and of the Commissioners of Her Majesty's Treasury respectively, may from Time to Time make sale and dispose of any Lands vested in the Mayor, Aldermen,  
 10 and Burgesses, or in the Board, or in the Commissioners, respectively, for the Purposes of this Act, and apply the Proceeds in or towards the Purchase of other Lands better adapted for such Purposes, and may, with the like Approval, exchange any Lands so vested, and either with or without paying or receiving any Money for Equality  
 15 of Exchange, for any other Lands better adapted for such Purposes, and the Mayor, Aldermen, and Burgesses, or the Board, or the Commissioners, may convey the Lands so sold or exchanged accordingly.

That whenever any Lodging Houses which shall have been When Lodg- ing Houses are considered too expensive, they may, with Approval of Treasury, be sold, and Proceeds of Sale carried to Borough Fund or Poor's Rate.  
 20 for Seven Years or upwards established under the Authority of this Act shall be determined by the Council, or by the Board, or by the Vestry, in accordance with a previous Recommendation of the Commissioners, to be unnecessary or too expensive to be kept up, the Council or Commissioners, with the Approval of the Commissioners of Her Majesty's Treasury, or the Board with the Approval  
 25 of the General Board of Health, may sell the same for the best Price that can reasonably be obtained for the same, and the Mayor, Aldermen, and Burgesses, or the Board, or the Commissioners, shall convey the same accordingly, and the Purchase Money shall be paid to such Person as the Council or Board or Commissioners shall  
 30 appoint, and his Receipt shall be a sufficient Discharge for the same, and the net Proceeds of such Sale shall be paid to the Credit of the Borough Fund, or of the General District Rate, or of the Improvement Rate, or of the Rate for the Relief of the Poor of the Parish.

That the general Management, Regulation, and Control of the Management to be vested in Council and Parish Commissioners.  
 35 Lodging Houses established under this Act shall, subject to the Provisions of this Act, be, as to any Borough, vested in and exercised by the Council, and as to any District vested in and exercised by the Board, and as to any Parish vested in and exercised by the Commissioners.

40 That the Byelaws which the Council and Board and Commissioners respectively may from Time to Time make, alter, repeal, and Council, &c. may make Byelaws for enforce  
 271. D

regulating  
the Lodging  
Houses.

enforce shall include such Byelaws for the Management, Use, and Regulation of the Lodging Houses, and of the Tenants or Occupiers thereof, and for determining from Time to Time the Charges for the Tenancy or Occupation of the Lodging Houses, as the Council and Board and Commissioners respectively shall think fit, and they respectively may appoint any Penalty not exceeding Five Pounds for any and every Breach, whether by their Officers or Servants or by other Persons, of any Byelaw made by them respectively, and such Byelaws shall make sufficient Provision for the several Purposes respectively expressed in the Schedule to this Act: Provided always, that a Byelaw made under the Authority of this Act shall not be of any legal Force until the same shall have received the Approval of One of Her Majesty's Principal Secretaries of State. 5 10

Byelaws to  
be approved  
by the Secre-  
tary of State.

Copies or  
Abstracts of  
Byelaws to  
be hung up  
in every  
Room in the  
Lodging  
Houses.

That a printed Copy or sufficient Abstract of the Byelaws relating to the Management, Use, and Regulation of the Lodging Houses shall be put up in every Room therein. 15

Charges to  
be fixed by  
Councils and  
Commis-  
sioners.

That the Council and the Board and the Commissioners respectively may from Time to Time make such reasonable Charges for the Tenancy or Occupation of the Lodging Houses provided under this Act as they shall think fit. 20

Appeal to  
Poor Law  
Board as to  
Rents for  
Lodging  
Houses.

That in order to provide against the Mismanagement of Lodging Houses, whenever, as regards a Borough, any Ten of the Burgesses, and, as regards a District, any Ten of the Persons rated or liable to be rated to the General District Rate or the Improvement Rate, and, as regards a Parish, any Ten of the Ratepayers, think that the Rents or Charges for a Lodging House established under this Act in such Borough or District or Parish are too high for the Means of the Labouring Classes, or so low as to be an indirect Mode of giving Relief to the Poor, such Burgesses or Persons or Ratepayers may represent the Matter in Writing to a Justice, and the Justice shall make such Inquiries in relation thereto as he thinks fit, and, if he think fit, may order what shall be the Rents or Charges, or the highest Rents or Charges, or the lowest Rents or Charges, to be demanded and taken for such Lodging House or any Part thereof, and any Rents or Charges other than the Rents or Charges so ordered shall not, during the Continuance of any such Order, be demanded or taken for such Lodging House or any Part thereof. 25 30 35

Persons  
receiving  
Parochial  
Relief not to  
be Tenants  
of Lodging  
Houses.

That any Person who, or whose Wife or Husband, shall be, or shall at any Time within Twelve Months have been, in the Receipt of any Relief from any Rates for the Relief of the Poor, shall not be admitted a Tenant or Occupier of any Lodging House established under 40

under this Act, or any Part of such a Lodging House; and any Person who, or whose Wife or Husband, at any Time while such Person is a Tenant or Occupier of any such Lodging House or any Part of such a Lodging House, receives any such Relief, shall there-  
 5 upon be disqualified for continuing to be such a Tenant or Occupier, and the Council or the Board or the Commissioners shall thereupon remove such Person and his or her Family, if any, from such Tenancy or Occupancy.

That every Lodging House established under this Act which  
 10 shall be within the District of a Local Board of Health shall at all Times be open to the Inspection of such Board, and the Officers thereof from Time to Time authorized by such Board to make such Inspection.

Lodging Houses to be open to Inspection of Local Boards of Health.

That for the Recovery of the Charges the Officers, Servants,  
 15 and others having the Management of the Lodging Houses may detain the Goods and Chattels of any Person refusing to pay the Charge to which such Person may be liable or any Part thereof, till full Payment thereof be made, and in case such Payment be not made within Seven Days may sell such Goods and Chattels or any of them, re-  
 20 turning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person.

As to Recovery of Charges.

That if any Clerk or other Officer or any Servant who shall be in anywise employed by any Council or Board or Commissioners  
 25 in pursuance of this Act shall exact or accept any Fee or Reward whatsoever for or on account of anything done or forborne, or to be done or forborne, in pursuance of this Act, or on any account whatsoever relative to putting this Act into execution, other than such Salaries, Wages, or Allowances as shall have been appointed by the  
 30 Council or Board or Commissioners, or shall in anywise be concerned or interested in any Bargain or Contract made by the Council or Board or Commissioners for or on account of anything done or forborne, or to be done or forborne, in pursuance of this Act, or on any account whatsoever relative to the putting of this Act into exe-  
 35 cution, or if any Person during the Time he holds the Office of Member of the Council, or Member of the Board, or Commissioner, shall exact or accept any such Fee or Reward, or shall accept or hold any Office or Place of Trust created by virtue of this Act, or be  
 40 concerned directly or indirectly in any such Bargain or Contract, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall for every such Offence also forfeit the Sum of Fifty Pounds.

Penalty for Council, Commissioners, or Officers taking Fees beyond Salaries, or being interested in Contracts.

271.

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That



**SCHEDULE referred to by the foregoing Act.**

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**1. BYELAWS to be made in all Cases.**

For securing that the Lodging Houses shall be under the Management and Control of the Officers, Servants, or others appointed or employed in that Behalf by the Council or Board or Commissioners.

For securing the due Separation at Night of Men, and Boys above Eight Years old, from Women and Girls.

For preventing Damage, Disturbance, Interruption, and indecent and offensive Language and Behaviour, and Nuisances.

For determining the Duties of the Officers, Servants, and others appointed by the Council or Board or Commissioners.

**2. BYELAWS to be made in Boroughs, Districts, and Parishes wholly or partially within the Districts of Local Boards of Health.**

For carrying out the Regulations of the Local Boards of Health.

**3. BYELAWS to be made in Parishes.**

For regulating the Procedure of the Commissioners.



# Lodging Houses.

A

## B I L L

[AS AMENDED IN COMMITTEE AND BY THE  
SELECT COMMITTEE]

To encourage the Establishment of  
Lodging Houses for the Labouring  
Classes.

(Prepared and brought in by  
Lord Ashley, The Marquis of Blandford, and  
Mr. Stansy.)

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*Ordered, by The House of Commons, to be Printed,  
30 May 1851.*

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350.

*Under 3 oz.*

23 July 1851. 14 & 15 VICT.



A

# B I L L

TO

Authorize the Removal from India of Insane  
Persons charged with Offences, and to give  
better Effect to Inquisitions of Lunacy taken in  
India.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS it is expedient to make Provision for the Preamble.  
several Purposes herein-after mentioned: Be it therefore  
enacted by the Queen's most Excellent Majesty, by and  
with the Advice and Consent of the Lords Spiritual and Temporal,  
5 and Commons, in this present Parliament assembled, and by the  
Authority of the same, as follows:

- I. That if any Person being of European Birth shall have been or  
shall hereafter be indicted for or charged with any Crime or Offence  
in any Court in India, and shall have been or shall hereafter be  
10 acquitted of or not be tried for such Crime or Offence on the Ground  
of his being found to be of unsound Mind, and shall by reason of the  
Premises be lawfully in Custody in India, it shall be lawful for the  
Governor in Council of the Presidency in which such Person shall be  
so in Custody to order such Person to be removed from India to any  
15 Part of the United Kingdom, there to abide the Order of Her  
Majesty concerning his or her safe Custody, and to give such Direc-  
581. A tions
- Governors  
in Council of  
the Presi-  
dencies in  
India may  
remove from  
India to the  
United  
Kingdom  
Persons of  
European  
Birth ac-  
quitted on  
the Ground  
of Insanity.

tions for enabling such Order to be carried into effect as may be deemed fit and proper.

The Order of such Governor in Council to be a sufficient Warrant and Authority for that Purpose.

II. That the Orders and Directions of the Governor in Council of any of the said Presidencies for the Removal of any Person under the Provisions of this Act shall be a sufficient Warrant and Authority 5 to all Commanders of Vessels, and others to whom the Care and Custody of any such Person shall be committed, for the Removal of such Person from India to the United Kingdom in conformity with such Directions, and for his Detention in Custody there until an Order shall be made by Her Majesty as herein-after is mentioned ; 10 and that upon the Arrival of any such Person in the United Kingdom it shall be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Pleasure in such Place and in such Manner as to Her Majesty shall seem fit, in like Manner as if such Person had been indicted for an Offence and found insane, 15 and were thereby subject to the Provisions of the Act passed in the Thirty-ninth and Fortieth Year of His late Majesty King George the Third, intituled " An Act for the safe Custody of Insane Persons " charged with Offences."

Charges and Expenses attending such Removal to be defrayed in the first instance by the East India Company.

III. That all Expenses attending the Removal from India and the 20 safe Custody in Great Britain or Ireland of all such Persons as aforesaid shall in the first place be borne and defrayed by the East India Company, who are hereby authorized to charge the Amount of such Expenses upon the Revenues of the Government of India.

The Amount of all Expenses incurred by the East India Company to be a Debt due from the Lunatic, and be secured by a Judgment in England and Ireland, and by Order and Decree in Scotland.

IV. That the Amount of all Expenses incurred by the East India 25 Company in respect of the Removal and Custody of any such Person as aforesaid shall be a Debt from such Person to the East India Company ; and that for securing the Payment thereof the East India Company shall be entitled to enter up against such Person as of the Date of the Order for Removal from India any Judgment in 30 England or Ireland in an Amount sufficient to secure the Payment of all Expenses incurred and to be incurred in respect of the Matters aforesaid, and the Costs of ascertaining the same as after mentioned ; and on Production at the Office in Edinburgh for the Registration of Writs in the Books of Council and Session of a Copy of any Order 35 of the Court of Directors directing such Judgment to be entered up, certified by the Secretary of the said Company, such Order shall be registered in the said Books in like Manner as a Bond executed according to the Law of Scotland with a Clause of Registration, and Decree shall be interponed thereon which shall have the like Effect 40 as if such Person had executed such Bond, but without Prejudice to the Provisions herein contained for ascertaining the Sum actually due ;

due ; and that upon Application to be from Time to Time made to the Lord Chancellor of Great Britain in England or Chancellor in Ireland, being intrusted with the Care of Persons of unsound Mind, or the Court of Session in Scotland, the Amount of such Expenses  
 5 reasonably and properly incurred shall be ascertained by a Reference to One of the Masters of the Court of Chancery, or otherwise, in such Manner as the Person or Persons to whom such Application shall be made shall direct ; and the East India Company shall be entitled from Time to Time to recover Payment of the Amount so  
 10 ascertained, and the Costs of ascertaining the same, by proceeding on the Judgment in England or Ireland, and Order and Decree in Scotland, and enforcing the same against the Property but not against the Person of the Debtor, in the same Manner as if such Judgment had at the Date of the said Order of Removal been reco-  
 15 vered against the Debtor when of sound Mind, and had been entered up at the Date of such Order.

V. That in all Cases where a Guardian, Keeper, or Curator of the Person and Estate of any Idiot, Lunatic, or Person of unsound Mind shall have been or shall be appointed by the Supreme Court of  
 20 Judicature at any of the Presidencies of India, it shall be lawful for such Supreme Court to declare that such Person ought to be removed from India to any Part of the United Kingdom, and thereupon to make such further or other Order or Orders authorizing or directing his Removal, and touching his safe Custody and Maintenance, as to  
 25 such Supreme Court shall seem fit and proper : Provided always, that in every such Case a Transcript of the Proceedings in the Matter of the Idiotcy or Lunacy of such Person shall, under the Provisions herein-after contained, be transmitted to that Part of the United Kingdom to which such Person shall be removed.

Lunatics and Idiots may be removed from India by Orders of the Supreme Courts at the several Presidencies.

30 VI. That in all Cases where a Guardian, Keeper, or Curator of the Person and Estate of any Idiot, Lunatic, or Person of unsound Mind shall have been or shall be appointed by any of the Supreme Courts in India as aforesaid, it shall be lawful for the proper Officer of the said Supreme Court by the Order of such Court to transmit  
 35 a Transcript, under the Hand and Seal of the Chief Justice or Senior Judge of such Supreme Court, of the Proceedings by which the Idiotcy, Lunacy, or Unsoundness of Mind shall have been found, and by which such Guardian, Keeper, or Curator shall have been appointed, to the Chancery in England and the Court of Session in  
 40 Scotland and the Chancery of Ireland respectively, as the Case may require, and that such Transcript, when so received, shall be entered as of Record in the Court or Courts to which the same shall be transmitted ; and that in the Case of any Supersedeas of  
 581. A 2 any

Transcript of all Inquisitions and Orders to be transmitted and entered of Record, and to be acted upon in the United Kingdom as if the Inquisitions had been taken in the United Kingdom.

any such Proceedings the same shall be certified and transmitted and recorded in like Manner; and that the Record of any such Proceedings or of any such Supersedeas as aforesaid shall, in case and so long and so far as the Lord Chancellor of Great Britain or other Persons intrusted as aforesaid, or the Court of Session in Scotland, 5 or the Chancellor of Ireland intrusted as aforesaid, (as the Case may require,) shall respectively see fit, be acted upon by him and them respectively, and be of the same Force and Validity, and have the same Force and Effect, as if such Proceedings or Supersedeas, or Proceedings or a Supersedeas to the like Effect, had taken place in 10 England, Scotland, or Ireland respectively; and it shall be lawful for the Lord Chancellor or other Persons intrusted as aforesaid, the Court of Session in Scotland, and the Chancellor of Ireland intrusted as aforesaid respectively, from Time to Time to make and give all such Orders or Directions by appointing any Committee or Com- 15 mittees, Curator or Curators, or otherwise, as may appear necessary or proper for securing proper Care and Protection to the Person and Estate of such Idiot, Lunatic, or Person of unsound Mind.

Powers  
given to the  
Lord Chan-  
cellor to  
extend to  
the Lord  
Keeper and  
Commis-  
sioners.

VII. That the Powers and Authorities given by this Act to the Lord Chancellor of Great Britain or other Persons intrusted as 20 aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of Great Britain, or any other Person or Persons for the Time being intrusted as aforesaid, and the Powers and Authorities given by this Act to the Lord Chancellor of Ireland intrusted as aforesaid 25 shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of Ireland, or any other Person or Persons for the Time being intrusted as aforesaid.





# Lunatics (India).

A

## B I L L

To authorize the Removal from India of  
Insane Persons charged with Offences,  
and to give better Effect to Inquisi-  
tions of Lunacy taken in India.

(*Prepared and brought in by  
Mr. Elliot and Mr. James Wilson.*)

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*Ordered, by The House of Commons, to be Printed,  
23 July 1851.*

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58l.

*Under 1 oz.*

27 June 1851. 14 & 15 Vict.



A

# B I L L

INTITULED

## An Act for Marriages in India.

**W**HEREAS it is expedient to amend the Law of Marriages in India: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preamble.

I. In every Case of Marriage intended to be solemnized in India after the Commencement of this Act, where One or both of the Parties is or are a Person or Persons professing the Christian Religion, such Marriage may be solemnized under the Provisions of this Act ;  
10 and where such Marriage is intended to be so solemnized, One of the Parties shall give Notice in Writing to the Judge for the District within which the Parties shall have dwelt for such Period then next preceding as by such Laws or Regulations as herein-after mentioned may be required, or, if the Parties dwell in the Districts of different  
15 Judges, shall give the like Notice to the Judge for each District ; and every such Notice shall be in such Form and contain such Particulars as may be prescribed by such Laws or Regulations, and shall be open for Inspection and published as by such Laws or Regulations may be provided.

Marriage of Christians in India may be solemnized under this Act.  
Notice of intended Marriage to be given to the Judge for the District.

453.

A

II. The

Certificate of  
Notice to be  
issued on  
Request.

Proviso.

II. The Judge, upon being requested so to do by or on behalf of the Party by whom the Notice was given, and One of the Parties intending Marriage having made Oath or Declaration as herein-after required, shall issue under his Hand a Certificate of such Notice having been given, and of such Oath or Declaration 5 having been made; provided no lawful Impediment according to the Law of England be shown to the Satisfaction of the Judge why such Certificate should not issue, and the Issue of such Certificate have not been sooner forbidden, in manner herein-after mentioned, by any Person or Persons by this Act authorized in that Behalf: Pro- 10  
vided always, that where by such Oath or Declaration it appears that One of the Parties intending Marriage (not being a Widower or Widow) is under Twenty-one Years of Age, the Judge shall not issue such Certificate until the Expiration of such Period after the giving of such Notice as may be in this Behalf provided by such 15 Laws or Regulations as herein-after mentioned.

Who to give  
Consent if  
Parties under  
Age.

III. The Father, if living, of any Party under Twenty-one Years of Age, such Party not being a Widower or Widow, or, if the Father be dead, the Guardian or Guardians of the Person of the Party so under Age lawfully appointed, or One of them, and in 20 case there be no such Guardian, then the Mother of such Party, if unmarried, shall have Authority to give Consent to the Marriage of such Party; and such Consent is hereby required for the Marriage of such Party so under Age, unless there be no Person authorized to give such Consent resident in India. 25

Issue of  
Judge's Cer-  
tificate may  
be forbidden.

IV. Every Person whose Consent to a Marriage is required as aforesaid is hereby authorized to forbid, in such Manner as may be provided by such Laws or Regulations as herein-after mentioned, the Issue of the Judge's Certificate; and in case the Issue of any such Certificate be so forbidden the Notice and all Proceedings 30 thereupon shall be utterly void: Provided always, that (subject to such Laws and Regulations) if either of the Parties intending Marriage allege that the Person forbidding the Issue of such Certificate is not authorized by Law so to do, the Judge shall examine into such Allegation, and if he be satisfied that such Person is not authorized 35 as aforesaid shall act in like Manner, and the like Proceedings may be had under this Act in relation to such Marriage, as if the Issue of such Certificate had not been forbidden by such Person.

Supreme  
Court or  
Judge of the  
Zillah or  
District may  
relieve where

V. If any Person whose Consent is necessary to any Marriage under this Act shall, without just Cause, withhold his or her Consent 40 to a Marriage, the Parties intending Marriage may apply by Petition, where the Person whose Consent is necessary is resident within any of the

the Towns of Calcutta, Madras, and Bombay, to the Supreme Court of  
 Judicature established by Royal Charter in the Presidency or Place in  
 which such Person is resident, or if such Person be not resident within  
 any of the said Towns, then to the Judge of the Zillah or like District  
 5 within which such Person is resident, or to such other Person as may  
 for this Purpose be appointed under the Laws or Regulations herein-  
 after mentioned; and the said Supreme Court or any Judge thereof,  
 or such Judge of the Zillah or District, or such other Person, shall  
 be empowered to examine the Allegations of the Petition in a  
 10 summary Way; and if upon such Examination such Consent appear  
 to be withheld without just Cause, such Supreme Court or any Judge  
 thereof, or such Judge of the Zillah or District, or such other Person,  
 shall declare such Consent to be so withheld, and such Declaration  
 shall be as good and effectual as if the Person whose Consent was  
 15 needed had consented to the Marriage; and in case such Person  
 has forbidden the Issue of the Judge's Certificate, such Certificate  
 shall be issued, and the like Proceedings may be had under this Act  
 in relation to the Marriage, as if the Issue of such Certificate had  
 not been forbidden by such Person, anything herein-before contained  
 20 to the contrary notwithstanding.

Consent  
improperly  
withheld.

VI. Before any such Certificate as aforesaid shall be issued by  
 any Judge, One of the Parties intending Marriage shall appear  
 personally before such Judge, and shall make Oath, or shall make his  
 or her solemn Declaration instead of an Oath, that he or she believeth  
 25 that there is not any Impediment of Kindred or Affinity or other  
 lawful Hindrance to the said Marriage, and that both the Parties  
 to the intended Marriage have, or (where the Parties have dwelt in  
 the Districts of different Judges) that for the Period required by  
 such Laws or Regulations herein-after mentioned, had their, his, or  
 30 her usual Place of Abode within the District of such Judge, and  
 where either or each of the Parties, not being a Widower or Widow,  
 is under the Age of Twenty-one Years, that the Consent of the  
 Person or Persons whose Consent to such Marriage is required by  
 Law has been obtained thereto, or that there is no Person resident  
 35 within the Territories under the Government of the East India Com-  
 pany having Authority to give such Consent, as the Case may be:  
 Provided always, that where the said Supreme Court or a Judge  
 thereof, or such Judge of the Zillah or like District, or such other  
 Person as aforesaid, declares the Consent of any Person to any Mar-  
 40 riage to be withheld without just Cause, it shall not be necessary  
 to make Oath or declare that such Consent has been obtained to  
 such Marriage.

Oath or  
Declaration  
to be made  
before Issue  
of Certificate.

Protest  
against Issue  
of Certificate  
may be  
entered.

VII. Any Person may, in manner provided by such Laws or Regulations, enter a Protest with the Judge against the Issue of a Certificate for the Marriage of any Person named therein; and if any Protest be so entered with the Judge, no Certificate shall issue until the Judge shall have examined into the Matter of the Protest, 5 and is satisfied that it ought not to obstruct the Issue of the Certificate for the said Marriage, or until the Protest be withdrawn by the Party who entered the same.

Appeal where  
Judge refuses  
Certificate.

VIII. In all Cases whatsoever where the Judge has refused such Certificate as aforesaid, it shall be lawful for either of the Parties 10 intending Marriage to apply by Petition, where the District of such Judge is within any of the Towns of Calcutta, Madras, and Bombay, to the Supreme Court of Judicature established by Royal Charter in the Presidency or Place within which such District is comprised, or if such District be not within any of the said Towns then to 15 the Judge of the Zillah or like District within which the same is comprised, or to such other Person as may for this Purpose be appointed by the Laws or Regulations herein-after mentioned; and the said Supreme Court or any Judge thereof, or such Judge of the Zillah or like District, or such other Person, shall be em- 20 powered to examine the Allegations of the Petition in a summary Way, and shall decide thereon; and the Decision of such Supreme Court or a Judge thereof, or of such Judge of the Zillah or like District, or of such other Person, shall be final, and the Judge to whom the Application was originally made shall proceed in accord- 25 ance therewith, anything herein-before contained notwithstanding.

After Issue  
of Certificate,  
Marriage  
may be so-  
lemnized in  
the Presence  
of Judge and  
Two Wit-  
nesses.

IX. After the Issue of the Certificate of the Judge, or, where Notice is required to be given under this Act to the Judges for different Districts, after the Issue of the Certificates of the Judges for such Districts, Marriage may be solemnized between and by the 30 Parties described in such Certificate or Certificates, according to such Form and Ceremony as they may see fit to adopt; provided nevertheless, that every such Marriage shall be solemnized, between such Hours as shall be fixed by the Laws or Regulations herein-after mentioned, in the Presence of some Judge, to whom shall be delivered 35 such Certificate or Certificates as aforesaid, and of Two or more Witnesses; provided also, that in some Part of the Ceremony each of the Parties shall declare,

“ I do solemnly declare, That I know not of any lawful  
“ Impediment why I, A.B., may not be joined in Matrimony 40  
“ to C.D. ;” or shall declare to the like Effect,

And

And each of the Parties shall say to the other,

“I call upon these Persons here present to witness, That I,  
“ A.B., do take thee, C.D., to be my lawful wedded Wife [or  
“ Husband] ;” or Words to the like Effect.

5 Provided also, that there be no lawful Impediment to the Marriage of such Parties.

X. Whenever a Marriage is not had within Three Calendar Months after the Notice shall have been so entered by the Judge, the Notice and the Certificate which may have been issued thereupon, and all  
10 other Proceedings thereupon, shall be utterly void ; and no Person shall proceed to solemnize the Marriage, nor shall any Judge register the same, until new Notice shall have been given, and Entry made, and Certificate thereof given, at the Time and in the Manner aforesaid.

New Notice required after Three Months.

XI. After the Solemnization of any Marriage under this Act the  
15 Judge present at the Solemnization thereof shall forthwith register such Marriage in duplicate, that is to say, in a Marriage Register Book according to the Form of Schedule to this Act annexed, and also in a Certificate attached to the Marriage Register Book, as a Counterfoil ; and the Entry of such Marriage in both the Certificate  
20 and the Marriage Register Book shall be signed by the Person by or before whom the Marriage has been solemnized, if there be any such Person, and by the Judge, whether or not the Marriage is solemnized by him, and also by the Parties married, and attested by Two Witnesses ; and every such Entry shall be made in Order from  
25 the Beginning to the End of the Book, and the Number of the Certificate shall correspond with that of the Entry in the Marriage Register Book.

Marriages to be registered.

XII. The Judge shall forthwith separate the Certificate from the Marriage Register Book, and transmit it, at the End of every Month,  
30 to the Secretary to the Government of the Presidency or Place within which he resides, or to such other Officer as may for this Purpose be appointed under the Laws or Regulations herein-after mentioned ; and if no Marriage have been registered during such Month, the Judge shall certify such Fact under his Hand, and such  
35 Certificate shall be transmitted as aforesaid ; and the Judge shall keep safely the said Register Book until it be filled, and shall then transmit the same to the Secretary to the Government, or to such other Officer as aforesaid, to be kept by him with the Records of his Office ; and the Secretary to the Government, or such other Officer  
40 as aforesaid, shall, at the End of every Three Calendar Months in each Year, send all the Certificates of Marriage sent to him as aforesaid

Certificates of Marriages to be transmitted periodically.

said during such Three Months, signed by him, to the Secretary of the East India Company, for the Purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in England.

Proof of  
Residence of  
Parties or  
Consent not  
necessary to  
establish  
Marriage.

XIII. After any Marriage has been solemnized under this Act, it shall not be necessary, in support of such Marriage, to give any Proof 5 in respect of the Dwelling of the Parties, or of the Consent of any Person whose Consent thereunto is required by Law, nor shall any Evidence be given to prove the contrary, in any Suit touching the Validity of such Marriage.

Judge may  
ask certain  
Particulars  
of Parties.

XIV. It shall be lawful for the Judge before whom any Marriage is 10 solemnized according to the Provisions of this Act to ask of the Parties to be married the several Particulars required to be registered touching such Marriage.

Persons  
vexatiously  
entering Pro-  
tests liable to  
Costs and  
Damages.

XV. Every Person who shall enter a Protest with the Judge against the Issue of any Certificate on Grounds which such Judge, or 15 the Supreme Court of the Presidency or Place, or any Judge thereof, or the Judge of the Zillah or like District, or other Person, to whom upon the Refusal of such Certificate an Application is authorized by this Act, declares to be frivolous, and such as ought not to obstruct the Issue of the Certificate, shall be liable for the Costs of 20 all Proceedings in relation thereto, and for Damages, to be recovered by Suit by the Party against whose Marriage such Protest was entered.

Punishment  
of Persons  
making false  
Oath or  
Declaration.

XVI. Every Person who shall knowingly and wilfully make any false Oath or false Declaration, or sign any false Notice or Certificate, 25 required by this Act, or by any such Laws or Regulations as herein-after mentioned, for the Purpose of procuring any Marriage, and every Person who shall forbid the Issue of any Judge's Certificate by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to 30 be false, shall, on Conviction, be liable to be punished in such Manner as by such Laws or Regulations may be provided.

Limitation of  
Prosecution.

XVII. Every Prosecution under this Act shall be commenced within such Time after the Offence committed as by such Laws or Regulations may be provided.

35

Local  
Government  
may appoint  
other Persons  
than Judges

XVIII. The Government of each Presidency or Place in India may appoint Persons to exercise the Duties and Powers of Judges of Districts under this Act in Places in India in which there are no District Judges, and may assign Districts to the Persons so to be appointed,

appointed, and may appoint, where it is expedient, other Persons besides Judges to exercise all the Duties and Powers of a Judge under this Act within such District as may be from Time to Time assigned to them respectively; and for the Purpose of this Act every  
5 Person appointed under this Enactment shall be deemed a Judge for the District so assigned to him.

to execute  
this Act.

XIX. The Government of each such Presidency and Place may from Time to Time appoint reasonable Fees to be taken of the Parties intending Marriage, for receiving and publishing Notices of Marriage,  
10 and for issuing Certificates, entering Protests, and registering Marriages under this Act; and all such Fees shall be accounted for and paid over by the Judges to the Government Treasury, and the Government shall provide all necessary Books and Papers for giving Effect to the Provisions of this Act.

Local  
Government  
may appoint  
Fees to be  
taken under  
this Act.

XX. It shall be lawful for the Governor General of India in Council from Time to Time, by Laws and Regulations (not inconsistent with the Provisions of this Act) to be made in the Manner and subject to the Provisions by Law required in respect of Laws and Regulations made by the said Governor General in  
20 Council, to provide for the Inspection and Publication of Notices of Marriage given under this Act, for the Custody and Protection from Injury of Marriage Register Books, for Appeals from and References in Cases of Doubt by the Judges for Districts in relation to Marriages forbidden or Protests entered under this Act, for fixing the Hours  
25 between which Marriages may be solemnized under this Act, for appointing the Officers to whom Certificates are to be transmitted by the Judges of Districts, and generally for giving Effect to the Provisions of this Act.

Governor  
General in  
Council em-  
powered to  
make Laws  
and Regula-  
tions for the  
Purposes of  
this Act.

XXI. Nothing herein contained shall invalidate or affect any  
30 Marriage which may be solemnized in India by Persons in Holy Orders, or any Marriages which may be solemnized under the Provisions of the Act of the Fifty-eighth Year of King George the Third, Chapter Eighty-four, or any other Marriages which under the Laws for the Time being in force in India might have been there solemnized in case this Act had not been passed: Provided that it shall be  
35 lawful for the Governor General of India in Council, from Time to Time by Laws and Regulations to be made as aforesaid, to provide for the Registration of any Marriages solemnized in India by Persons in Holy Orders, or of any Marriages there solemnized under the  
40 Provisions of the said Act of the Fifty-eighth Year of King George the Third, Chapter Eighty-four, or of any other Marriages there solemnized, of which it may appear to the said Governor General in

Marriages  
may continue  
to be solemn-  
ized as  
heretofore.

Power to  
Governor  
General in  
Council to  
make Laws  
for the Re-  
gistration  
of Marriages  
not solemn-  
ized under  
this Act.



Council desirable that Evidence should be transmitted to England, and to provide for the Care and Custody of the Registers of such Marriages, and for the Transmission of Certificates thereof to the Secretaries of the Governments of the respective Presidencies, or to other Officers, and for their sending the same to the Secretary of the East India Company, for the Purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in England, and also to provide for the Authentication of such Certificates.

Certificates delivered to Registrar General under this Act, or under any Laws or Regulations made thereunder, to be subject to the Provisions of 6 & 7 W. 4. c. 86.

XXII. The Certificates which shall be delivered to the Registrar General of Births, Deaths, and Marriages in England, under this Act, 10 or under any Laws or Regulations to be made thereunder, shall be kept in the General Register Office, in the same Manner, and Indexes thereof shall be made and Searches permitted, and Copies thereof, sealed or stamped with the Seal of the General Register Office, shall be given, in the like Manner as by the Act of the Session 15 holden in the Sixth and Seventh Years of King William the Fourth, Chapter Eighty-six, is provided concerning the certified Copies (kept in such Office under the said Act) of the Registers of Births, Deaths, and Marriages in England; and every certified Copy, purporting to be sealed or stamped with the Seal of the said General 20 Register Office, of any such Certificate delivered to the said Registrar General under this Act, or under such Laws or Regulations, shall be received as Evidence of the Marriage to which the same relates, without further Proof of such Certificate, or of any Entry therein,

Marriages under this Act valid.

XXIII. All Marriages solemnized under this Act shall be good 25 and valid in Law to all Intents and Purposes.

Certain Marriages in India confirmed.

XXIV. And whereas it is expedient to remove all Doubt concerning the Validity of Marriages heretofore solemnized in India by Persons not in Holy Orders: All such Marriages, if not otherwise invalid, shall be deemed and held to be valid in Law to all Intents 30 and Purposes.

Interpretation of "India."

XXV. In the Construction of this Act the Word "India" shall include all Territories for the Time being under the Government of the East India Company, and all Territories of any Native Princes or States in alliance with the said Company. 35

Commencement of Act.

XXVI. This Act shall, so far as respects the Authority to make such Appointments, Laws, and Regulations as are herein authorized to be made, commence and take effect from and after the passing thereof, and as to all other Matters and Things commence and take effect

effect from and after the First Day of January One thousand eight hundred and fifty-two, or such other Day as the Governor General of India shall direct.

XXVII. The Governor General of India, and the Governors of  
5 the several Presidencies in India, shall cause this Act to be published <sup>Publication of Act.</sup>  
Three Times in each of the Government Gazettes of the several  
Presidencies, the first of such Publications to be made within Six  
Weeks after this Act shall have been received in such respective  
Presidencies.

SCHEDULE to which this Act refers.

MARRIAGE REGISTER BOOK.										CERTIFICATE OF MARRIAGE.									
No.	When married.	Name and Surname.	Whether of full Age or a Minor.	Con- dition.	Rank or Pro- fession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Pro- fession of Father.		No.	When married.	Name and Surname.	Whether of full Age or a Minor.	Con- dition.	Rank or Pro- fession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Pro- fession of Father.	
1	17th May 1851.	William Smith. Anne Green.	Of full Age. Minor	Bachelor Widow	Sergeant -	4, Clive Street, Barrackpore. -	John Smith. James Hastings.	Esquire. Esquire.		1	17th May 1851.	William Smith. Anne Green.	Of full Age. Minor	Bachelor Widow	Sergeant -	4, Clive Street, Barrackpore. -	John Smith. James Hastings.	Esquire. Esquire.	
Married in the Judge's [House] by [or before] me,  WILLIAM JOHNSON, Judge.										Married in the Judge's [House] by [or before] me,  WILLIAM JOHNSON, Judge.									
This Marriage was solemnized between us, { William Smith, } in the Presence of { Peter Smith, } us, { Anne Green, } { James Hastings. }										This Marriage was solemnized between us, { William Smith, } in the Presence of { Peter Smith, } us, { Anne Green, } { James Hastings. }									

N.B.—If any other Person is appointed to act with the Power of a Judge under this Act, then instead of Judge describe the Office held by him, and say, acting with the Power of a Judge in execution of "An Act for Marriages in India," passed in 1851.



**Marriages (India).**

A

**B I L L**

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for Marriages in India.

*(Brought from the Lords 27 June 1851.)*

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*Ordered, by The House of Commons, to be Printed,  
11 July 1851.*

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531.

*Under 2 oz.*

17 March 1851. 14 VICT.



A

# B I L L

TO

Provide for the better Distribution, Support, and Management of Medical Charities in Ireland ; and to amend an Act of the Eleventh Year of Her Majesty, to provide for the Execution of the Laws for the Relief of the Poor in Ireland.

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[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

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**W**HEREAS it is expedient to provide for the better Distribution, Support, and Management of Medical Charities in Ireland, and to amend for this Purpose the Provisions of an Act passed in the Eleventh Year of Her present Majesty, intituled  
5 “ An Act to provide for the Execution of the Laws for Relief of  
“ the Poor in Ireland :” Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Preamble.

10 & 11 Vict.  
c. 90.

- 10 I. That it shall and may be lawful for Her Majesty the Queen, by Warrant under Her Sign Manual, from Time to Time to appoint Two Persons (One of whom shall be a Physician and Surgeon of not less than *Seven* Years standing, and shall have the Title of Medical  
124. A Commis- sioners.

Commissioner,) who, together with the Commissioners appointed under the Provisions of the aforesaid Act of the Eleventh Year of Her Majesty, shall, from the Time of the Publication herein-after directed to be made in the Dublin Gazette, be "the Commissioners for administering the Laws for Relief of the Poor in Ireland," within 5 the Meaning of the aforesaid Act, pursuant to, and with the Powers and Authorities given by, the said Act, and the several Acts for the more effectual Relief of the destitute Poor, and also for executing this Act, and such Two Persons so appointed under this Act shall hold Office during the Pleasure of Her said Majesty; and imme- 10 diately on the Publication aforesaid the Office of Assistant Commissioner created by the said first-mentioned Act shall cease and determine; and in the Absence of the Chief Commissioner for the Time being in the said Act mentioned the Powers, Duties, and Functions of the said Chief Commissioner under the said Act shall 15 be exercised by such One of the other Commissioners as shall be appointed so to act by a Majority of the Commissioners, with the Approval of the Lord Lieutenant of Ireland.

Such Ap-  
pointment to  
be published  
in Gazette.

Powers given  
by this Act  
how to be  
exercised

II. Notice of the Appointment of such Two Persons by Her Majesty shall be published in the Dublin Gazette, and on the Day after the 20 Publication of the first Appointment of such Persons all the Powers and Authorities given by this Act to the said Commissioners for administering the Laws for Relief of the Poor in Ireland shall take effect, and shall be exercised by them, in like Manner as the Powers and Authorities given to the Commissioners appointed under the 25 said Act of the Eleventh Year of Her present Majesty: Provided always, that any Order for the Formation or Alteration of any Dispensary District or Districts, or Hospital District or Districts, under this Act, as herein-after mentioned, or for framing or establishing any General Rules or Regulations relating thereto, or altering or revoking 30 the same, shall be signed by not less than *Two* of the said Commissioners, of whom the Medical Commissioner shall be one.

Appointment  
of Inspectors.

III. The said Commissioners may from Time to Time appoint so many fit Persons as the Commissioners of Her Majesty's Treasury shall sanction, being Physicians or Surgeons of not less than *Seven* 35 Years standing, to be Inspectors to assist in carrying out the Provisions of this Act, and may remove all or any of the said Inspectors, and appoint others in their Place.

Salaries of  
Commis-  
sioners and  
Inspectors to  
be paid from  
any Funds

IV. There shall be paid to the said Two Commissioners to be appointed under the Provisions of this Act, and also to the said 40 Inspectors, such Salaries as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which

which may from Time to Time be provided by Parliament for that Purpose.

provided by  
Parliament  
for such Pur-  
pose.

V. Neither the Medical Commissioner nor any such Inspector as aforesaid shall, while he continues in such respective Office, 5 practise as a Physician or Surgeon, or in any other professional Capacity.

Medical  
Commis-  
sioner or  
Inspector  
not to prac-  
tise as Phy-  
sician or  
Surgeon.

VI. The Guardians of each Union in Ireland shall, when so required by the said Commissioners for administering the Laws for Relief of the Poor in Ireland, with all reasonable Despatch, divide 10 such Union into so many Dispensary Districts, having regard to the Extent and Population of such Districts, as may to them appear necessary; and in case the said Commissioners shall approve of the Districts so formed by the said Guardians, they shall issue an Order under their Seal declaring the same; and in case they shall not 15 approve of the Districts so formed by the said Guardians, the said Commissioners may and they are hereby empowered to issue an Order under their Seal declaring the Districts which to them may appear necessary; and it shall be lawful for the said Commissioners, and they are hereby empowered, when they may see Occasion, from 20 Time to Time to alter such Districts by any Order under their Seal; provided always, that in no Case shall an Electoral Division formed under the Acts for the more effectual Relief of the destitute Poor be divided; and from and after a Day to be named in any such Order the Cost of all Medical Relief afforded within each such 25 Dispensary District to which such Order shall relate, together with all the Salaries and Charges incidental to the same, shall be charged on the Poor Rates of the Electoral Division or Divisions comprised therein, according to the net annual Value of each such Division under the Poor Law Valuation in force for the Time being; and the said 30 Commissioners shall declare in such Order the Number and Quali- fications of the Officers to be appointed for the Service of each such Dispensary District, and shall likewise declare in the said Order the Number of Persons who shall be Members of the Committee of Management of such Districts, as herein-after is provided; and the 35 said Commissioners may and they are hereby empowered, when they may see Occasion, from Time to Time to regulate the Amount of Salaries or Allowances payable to such Officers respectively, and the Time and Mode of Payment thereof.

Guardians of  
Unions to  
divide them  
into Dispen-  
sary Dis-  
tricts.

VII. Within *One Month* after the Receipt of the said Order 40 the Guardians of the Union shall elect, if necessary, a sufficient Number of Ratepayers resident in each District, and liable to pay Poor Rates in respect of Property therein of the net annual Value

Dispensary  
Committee.



of *Thirty Pounds* at the least, who, together with the ex-officio and elected Guardians of the Poor resident or being the Owners or Occupiers of Property therein, shall be a Committee for the Management of the Dispensary of such District, so that the Number of the Members of the said Committee shall amount to the Number named 5 in the Order of the said Commissioners, and shall from Time to Time fill up any Vacancies occurring after any General Election of such Committee; and the Committee so appointed shall hold Office until the Appointment of a new Committee after the next annual Election of Guardians in the said Union; and at the first Meeting of the 10 Guardians after such annual Election, or as soon thereafter as conveniently may be, the Committee of Management for the said Dispensary District shall be appointed in like Manner for the ensuing Year, and so likewise in each succeeding Year.

Guardians  
to provide  
Medicines,  
&c., and  
appoint  
Officers.

VIII. The Guardians of the Union shall, as soon after Receipt 15 of the said Order as conveniently may be, provide a House, Building, Room or Rooms, to be used as a Dispensary or Office for the Medical Officer of each such District, and for the Meetings of the Committee of Management, and shall provide such Medicines and Medical Appliances as may be necessary for the Medical Relief of the Poor in the 20 said District, and shall appoint, from Time to Time as they shall be directed by the said Commissioners, but not otherwise, and subject to their Approval, One or more Medical Officers for the said District, with such Qualifications and Salaries as the said Commissioners shall determine; and it shall be lawful for the said Commissioners to 25 remove any such Medical Officer on sufficient Grounds, and to direct the Guardians of the Union to appoint another Medical Officer in his Stead; and on Failure of the said Guardians to appoint a Medical Officer of such Dispensary District for One Month after the Receipt of the Direction of the said Commissioners it shall be lawful for the 30 said Commissioners to appoint such Medical Officer by an Order under their Seal.

Power to  
afford Dis-  
pensary  
Relief.

IX. Every Member of such Dispensary Committee, and every Relieving Officer and Warden acting for an Electoral Division included in such Dispensary District, shall have Power to afford 35 Medical Relief by the Issue of a Ticket for Medicine and Advice, or a Ticket, in such Form as the said Commissioners shall prescribe, addressed to the Medical Officer of the District, directing him to afford Medicine and Advice to or attend any poor Person resident therein; and it shall be the Duty of the Medical Officer to afford 40 such Medicine and Advice, or to attend such poor Person, as thereby directed: Provided always, that if any Person who shall obtain a Ticket for Medical Attendance from any Relieving Officer or Warden,

Warden, or from any Member of the Committee, shall, at the next or any subsequent Meeting of the Committee after the Issue of the Ticket, be declared by a Majority of the Members then present not to be a fit Object for Dispensary Relief, the Ticket shall be 5 cancelled, and the Holder thereof disentitled to further Relief.

X. From and after the Publication in the Gazette as aforesaid of the first Appointment of Commissioners under the Provisions of this Act, all Infirmaries, Fever Hospitals, and other Medical Institutions and Buildings used for the Purposes of Medical Relief in Ireland, 10 except as herein-after provided, shall be subject to the Authority of the said Commissioners for administering the Laws for Relief of the Poor in Ireland, who shall apply the same, if they shall think fit, to the Purposes of this Act, in such Manner as the Lord Lieutenant of Ireland shall by Warrant under his Hand from Time to Time direct 15 or approve: Provided always, that no Infirmary, Hospital, or other Medical Institution or Building which from and after the passing of this Act shall be supported by private Subscription, Bequests, or other Property belonging to such Institution, shall be subject to the Provisions of this Act, save as to such Inspection as herein-after provided; 20 and that no such Institutions or Buildings so excepted from the Provisions of this Act as aforesaid shall, from and after the passing of this Act, be entitled to any Support from Poor Rates or from any County Cess, anything in any Statute to the contrary notwithstanding (save and except the following Hospitals and Infirmary, that is to 25 say, the Meath Hospital, the Charitable Infirmary in Jervis Street, and Mercer's Hospital, Saint Mark's Ophthalmic Hospital, and the Hospital of Incurables in the City of Dublin, and the City of Dublin Hospital in Upper Baggot Street in the County of Dublin); and in regard to the said last-mentioned Hospitals and Infirmary it shall, 30 upon the Application, duly made, of the Governors of any of the said Hospitals or Infirmary, be lawful for the said Commissioners, if they shall think fit, by an Order under their Seal, to declare all or any of the said last-mentioned Hospitals or Infirmary for which such Application shall be so made to be subject to the Authority of the said 35 Commissioners, and to be a District Hospital or District Hospitals under the Provisions of this Act, and in such Case the same shall be a District Hospital or District Hospitals, as the Case may be, under this Act accordingly: Provided also, that, with the written Consent and Approbation of the said Commissioners, any Infirmary, Hospital, 40 or other Medical Institution heretofore supported or in part supported by private Subscription, Bequest, or other Property shall become subject to the Provisions of this Act, in manner herein provided, on the Trustees or Governors of such Infirmary, Hospital, or other Medical Institution making Application for such Purpose to the said

Infirmaries and Fever Hospitals, &c. to be subject to the Authority of the Commissioners.

Saving as to certain Hospitals supported by private Funds.

Commissioners, and assigning over to the Governors of such Hospital District as the said Commissioners shall appoint in that Behalf all Property, of what Kind soever, belonging to the said Infirmary, Hospital, or other Medical Institution, and on proving to the Satisfaction of the said Commissioners that they no longer receive any Support from private Subscription. 5

The Commissioners to form Hospital Districts, and may appropriate Hospitals for their Use.

XI. The said Commissioners shall, as soon as conveniently may be after their Appointment as aforesaid, make and declare, by Order from Time to Time under Seal, subject to the Approbation of the Lord Lieutenant, such Hospital Districts as they shall think it fit and expedient so to make and to declare, preserving the Boundaries of Electoral Divisions, and at any Time thereafter may, subject to like Approbation, and in like Manner, alter such Districts, and may appropriate to the Use of each such District any Building or Buildings situate therein which shall, as herein-before provided, be under the Authority of the said Commissioners, and shall declare by their Order from Time to Time the Purposes for which each such Building shall thereafter be used and applied, and shall likewise fix by Order from Time to Time the Number, Qualifications, and Duties of the Medical Officers and other Officers, if any, to be appointed for the Service of each such Hospital District; and the said Commissioners may and they are hereby empowered, when they may see Occasion, from Time to Time to regulate the Amount of Salaries or Allowances payable to such Officers respectively, and the Time and Mode of Payment thereof; and the said Commissioners shall likewise fix by Order from Time to Time the Number of the Governors of such Hospital District, and the Proportion to be appointed by the Guardians of any Union any Part whereof shall be situate in such District: Provided always, that nothing herein contained shall prevent the said Commissioners from including the same Electoral Division in more than One Hospital District for distinct and separate Purposes, if they shall find it expedient to do so. 10 15 20 25 30

Hospital Relief, Salaries and Charges, to be charged on Poor Rates.

XII. From and after a Day certain, to be fixed in the Order declaring any such Hospital District, the Cost of all Relief afforded within any Building used for the Service of such District, and all Salaries and other Charges incidental thereto, including all necessary Alteration, Repairs, and Maintenance of the said Buildings, shall be charged on the Poor Rates of the Electoral Divisions situate within such District, according to the net annual Value thereof under the Poor Law Valuation in force for the Time being. 35 40

Guardians to provide the same.

XIII. A Copy of every Order declaring any such Hospital District shall be sent by the said Commissioners to the Guardians of each 40 each

each Union comprising any Electoral Division or Divisions included in such District; and the said Guardians shall from Time to Time thereafter make Provision in the Rates of every such Electoral Division for defraying its Share of the Cost incurred for the Service of such District, according to the Estimates to be made as hereinafter is provided.

XIV. Within *One Month* after the Receipt of such Order the Guardians of each Union comprising any Part of the said Hospital District shall elect the Governors of the said District in the Proportions fixed by the said Order, and shall from Time to Time fill up any individual Vacancies occurring after any General Election of such Board of Governors; and the Board of Governors so appointed shall hold Office until the Completion of the Appointment of such Board after the next annual Election of Guardians in the said Unions; and at the First Meeting of the Guardians of each such Union after such next annual Election, or as soon thereafter as conveniently may be, such Guardians shall elect Governors of the said District in the like Proportions for the Year ensuing, and so in like Manner in each succeeding Year: Provided always, that no Person shall be elected a Governor of the said District who shall not be either an ex-officio or elected Guardian of the Union from which he shall be elected, and resident in such Hospital District, or a Ratepayer resident in such District liable to pay Poor Rates in respect of Property whereof the net annual Value, ascertained as aforesaid, shall be at least *Fifty Pounds*: Provided also, that every Life Governor of any Infirmary, Fever or other Hospital, which shall be used for the Service of such District, shall be ex officio a Governor of such District, provided he shall be resident in such District; but in case any Part of the County, District, or Place in which such Life Governor shall have theretofore resided, and which theretofore shall have been attached to or have had the Benefit of such Infirmary, Fever or other Hospital, should, under the Provisions of this Act, become attached to or included in another Hospital District, such Life Governor shall cease to be a Governor of the District under this Act in which such Infirmary, Fever or other Hospital, is situate, and shall become and be a Governor of such other Hospital District in which the Place of his Residence shall have been so included.

XV. The Governors of each such Hospital District shall be a Body Corporate, and have perpetual Succession and a Common Seal, and shall sue and be sued, plead and be impleaded, by the Name of "Governors of the \_\_\_\_\_ Hospital District;" and all such Buildings situate in such District as shall be subject to the Authority of the said Commissioners as aforesaid, and shall be applied by them, under

Governors  
of Hospital  
District.

Governors of  
the Hospital  
District to  
be a Body  
Corporate,  
and Building  
and Lands  
under the  
Authority of  
the Poor Law

Commissioners to vest in them.

under the Direction or Approval of the Lord Lieutenant, to the Purposes of this Act, and all Lands, Tenements, and Hereditaments, and Real Property and Chattels Real, belonging thereto, shall vest in the said Governors for the Time being, according to the Nature and Quality, Estate and Interest, of and in the same Premises 5 respectively, and subject to the Debts, Charges, and Incumbrances affecting the same.

Additional Buildings for Hospital District may be provided from Poor Rates, with Sanction of Poor Law Commissioners.

XVI. It shall be lawful for the Governors of each Hospital District to provide such suitable Buildings or additional Ward or Wards, subject to the Approval of the said Commissioners, to be 10 signified under their Seal, as shall be required for the Service of such District; and after the Issue of such Approval the said Commissioners may direct, by Order under their Seal, the Guardians of each Union comprising any Portion of such District to provide for the Proportion of the Cost of procuring such Building or additional 15 Ward or Wards which shall be chargeable on any Electoral Division situate in such District according to its net annual Value under the Poor Law Valuation in force for the Time being, in such Manner as the said last-mentioned Commissioners shall direct; and all such Buildings or additional Wards shall be vested in the Governors of 20 such Hospital District, and be appropriated to such Uses as the said Commissioners shall from Time to Time direct.

Provision for Maintenance and Treatment of Patients in Hospital, and Appointment of Medical Officers.

XVII. From and after the Day to be named in the Order declaring any such Hospital District the Governors of such District shall provide for the Medical Treatment and Support of all Persons 25 admitted into the Building or Buildings appropriated to the Service of the said District, and shall procure all Supplies of Bedding, Clothing, Medicines, Medical and Surgical Appliances, Nutriment, and other Necessaries required for such Purpose, in conformity with such Regulations as shall be issued by the said Commissioners for 30 the Management of the said District; and the said Governors shall appoint the Medical and other Officers of the said District; and every such Officer shall be removable on sufficient Grounds, by the said Commissioners, by an Order under their Seal, who shall thereon direct the Governors to appoint another Officer in his Stead; and on 35 Failure of the Governors of such District to appoint a Medical or other Officer of such District within One Month from the Receipt of the Direction of the said Commissioners, it shall be lawful for the said Commissioners to appoint such Officer by an Order under their Seal.

40

Admission of Patients to Hospitals.

XVIII. Every Governor of an Hospital District and every Member of a Dispensary Committee resident in any Electoral Division

Division included in such Hospital District, and every Relieving Officer and Warden acting for such Electoral Division, shall have Power to afford Medical Relief to any poor Person, being a fit Object for such Relief, by giving him or her a Ticket, in such Form  
 5 as the said Commissioners shall prescribe, directing the Admission of such Person into some Hospital of such District appropriated to the Reception and Treatment of Persons suffering under the Description of Disease or bodily Injury under which the Person seeking such Relief shall then be suffering, or directing Advice, Medicine, or Medical  
 10 Treatment to be given, as the Case may require; provided that if at the next or any subsequent Meeting of the Governors after the Admission of such Person the Majority of the Governors present shall determine that he is not a fit Object for such Relief, they shall have Power, if they see fit, to discharge him from such Hospital;  
 15 and it shall be lawful, in any Case of sudden and urgent Necessity, for the Medical or other Officer in charge of any such Hospital to receive into it any Person appearing to be a fit Object for Medical Relief therein, subject to the further Direction of the Governors at their next Meeting.

20 XIX. Immediately after the first Appointment of such Governors as aforesaid the said Governors shall meet and prepare, in such Form as the Commissioners shall prescribe, an Estimate of the Cost of providing for the Service of such Hospital District to the Twenty-fifth Day of March or the Twenty-ninth Day of September  
 25 then next following, as the Case may be, and at least *One Month* before each of the aforesaid Days in every Year shall prepare and complete a similar Estimate for the Half Year commencing from and after the one or the other of the said Days, as the Case may be, and shall transmit all such Estimates to the said Commissioners,  
 30 who shall examine and correct the same, if, on Inquiry, they shall see fit to do so, and shall transmit Copies of such Estimate, so examined or corrected, to the Guardians of each Union comprising One or more Electoral Division or Divisions situate in such Hospital District, and shall declare therein the Proportion payable on account  
 35 of each such Electoral Division to the Governors of the said District; and such Guardians shall from Time to Time make Provision for the Payment thereof from the Poor Rates of such Electoral Division or Divisions, and shall direct Payment of the same by the Treasurer of the respective Union to the Treasurer of the Governors  
 40 of such Hospital District by Six equal monthly Instalments, the first of which Instalments shall be payable in One Month after the Receipt by such Guardians of such Estimate so certified and transmitted as aforesaid.

Half-yearly Estimates of Expenditure; Amount, when approved as herein, to be paid by Guardians of the Poor by monthly Instalments.

Other Pro-  
vision made  
for Medical  
Relief to  
cease.

Proviso as  
to County  
Infirmaries,  
&c.

5 G. 3. c. 20.  
(1.)

XX. From and after the Day to be named as aforesaid in the Order of the said Commissioners declaring any Dispensary District, all Provision now made by Law for affording Dispensary Relief from Poor Rate, or by means of Presentment from the County Cess, shall, except for the Purpose of defraying Expenses incurred 5 before such Date, cease as to the Baronies or Portions of Baronies or Places included in such Dispensary Districts; and that, from and after the Day to be named as aforesaid in the Order of the said Commissioners declaring an Hospital District, all Provision now made by Law, either from County Cess, Poor Rate, or Parliamentary 10 Grant, for the Support of any Hospital or Infirmary included in such Hospital District, and applied as aforesaid by the said Commissioners to the Service of such District, shall, except for the Purpose of defraying Expenses incurred before such Date, cease; and all Funds arising for the Support of such Institutions from Bequests shall be 15 applied to the Support thereof according to the Trusts on which such Bequests were granted, subject nevertheless to the Powers herein given to the said Commissioners to form Districts for Hospital Relief, and to appropriate Buildings situate therein as aforesaid to the Service of such District, in such Manner as the Lord Lieutenant 20 of Ireland shall direct or approve: Provided nevertheless, that where, under the Provisions of an Act of the Parliament of Ireland passed in the Fifth Year of His late Majesty King George the Third, intituled "An Act for erecting and establishing public Infirmaries " and Hospitals in this Kingdom," any Allowance or Stipend is now 25 payable to any Officer of a County Infirmary or other Medical Institution which shall be subject to the Provisions of this Act, such respective Allowance or Stipend shall not cease to be payable under the Provisions of the said Act until the Person holding such Office at the Time of the passing of this Act shall wholly cease to 30 hold the said Office in the said Infirmary or Medical Institution, but such Allowance or Stipend shall from the Time of his ceasing to hold such Office as aforesaid cease to be payable to such Infirmary or Medical Institution respectively under the Provisions of the said Act: Provided also, that in the Case of any Person now holding 35 the Office of Surgeon of a County Infirmary so included under this Act in an Hospital District, and made subject to the Provisions of this Act, if, by reason of its being so subject to the Provisions of this Act, the Salary of such Surgeon theretofore payable to and received by him from Grand Jury Presentment shall cease or be diminished, 40 it shall be lawful for the Governors of such Hospital District, and they are hereby required, in allocating a Salary for such Surgeon, whilst so continuing as a Medical Officer of such Infirmary made subject to the Provisions of this Act, to allow to him an annual Sum equal to the annual Amount by which (after all annual Pay- 45

ments

ments to be thereafter made to him from Grand Jury Presentments, if any, as Medical Officer of a Prison or otherwise,) the Salary therefore payable to and received by him from Grand Jury Presentments shall be so diminished: Provided also, that nothing herein  
5 contained shall be construed to deprive of the Benefit of Aid from any Parliamentary Grant any Infirmary or Hospital in the City or County of Dublin now receiving such Aid, so long as such Aid shall continue to be granted by Parliament.

XXI. The Accounts of the Governors of each Hospital District  
10 shall be kept in such Manner as the said Commissioners shall by Order under their Seal from Time to Time prescribe, and shall be made up to the Twenty-fifth Day of March and Twenty-ninth Day of September in each Year; and the respective Auditors of  
15 Poor Law Unions in Ireland shall audit such Accounts, and shall allow or disallow all Payments therein specified which have been illegally made, or which are contrary to the Rules and Regulations made by the said Commissioners as herein-after provided, and shall recover all Sums disallowed, in and by the same Ways and Means as are given for the Recovery of Sums disallowed by the Auditor in  
20 the Accounts of Expenditure under the Provisions of the Acts in force for the Relief of the destitute Poor in Ireland.

Accounts of  
Hospital  
Districts.

Audit of  
Accounts.

XXII. No Guardian, Governor, or Member of the Committee of Management, paid Officer, or other Person concerned in the providing, ordering, Management, Control, or Direction of the  
25 Medical Relief of the Poor in any Dispensary District or Hospital District, shall, either in his own Name or in the Name of any other Person, provide, furnish, or supply for his own Profit any Medicines, Instruments, Furniture, or Goods for the Use of any Dispensary or Hospital in any District for which he shall act in any such Capacity  
30 as aforesaid, during the Time for which he shall retain such Office, nor shall during such Time be interested, directly or indirectly, in any Contract relating thereto, under pain of forfeiting the Sum of Fifty Pounds, with the full Costs of Suit, to any Person who shall sue for the same by Action of Debt or on the Case in any of Her  
35 Majesty's Courts of Record at Dublin.

Members of  
Committee  
of Hospital  
Dispensary  
not to be  
concerned in  
supplying  
Articles for  
Use in Hos-  
pital or Dis-  
pensary;

under  
Penalty of  
50*l*. and  
Costs.

XXIII. The said Commissioners shall and may, and they are hereby directed, with all reasonable Despatch after the first Appointment of Commissioners under the Provisions of this Act, to frame  
40 General Rules and Regulations for the Government of each Dispensary District and Hospital District, and for the Guidance and Control of the Guardians, the Committees of Management, and Governors, and the several Officers to be appointed in connexion therewith respectively,  
124.

Regulations  
as to Ma-  
nagement of  
Dispensaries  
and Hos-  
pitals.



tively, and shall be empowered to alter or revoke such Rules and Regulations, and make such new Rules and Regulations, from Time to Time, as they may think fit.

**Vaccination.** XXIV. The Medical Officer of every Dispensary District constituted under this Act shall and he is hereby required to vaccinate 5 all Persons who may come to him for that Purpose, subject to such Regulations as may be issued by the Commissioners in that Behalf, and which Regulations the said Commissioners are hereby required to make and issue; and that from and after the Declaration of any such Dispensary District it shall not be obligatory on the Board 10 of Guardians of the Poor Law Union containing such District or any Part thereof to make a Contract with a Medical Practitioner for the Vaccination of Persons resident in such District, under the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled "An Act to extend the Practice of 15 " Vaccination."

**Existing Medical Officers.** XXV. When, on the Formation of any District under the Provisions of this Act, a Medical Practitioner shall be in possession of a Medical Office connected with any Medical Institution subject to the Authority of the said Commissioners, and situate in the 20 Locality included in such District, it shall be lawful for the Commissioners, if they shall think fit, to declare him to be, in the first instance, the Medical Officer or one of the Medical Officers of such new District; and so likewise when Two or more Medical Prac- 25 titioners shall be circumstanced as aforesaid, in case the like Number of Medical Officers is required in such new District, it shall be lawful for the said Commissioners, if they shall think fit, to declare such Persons to be the Medical Officers of such new District; but in case a smaller Number of such Officers shall be required for such District, then it shall be lawful for the said Commissioners, if they 30 shall see fit, to nominate such Persons, or any of them, as the Persons from whom a Selection shall be made for a Medical Officer or Officers under the Provisions of this Act, by the Parties entitled to appoint to such Office; and it shall not be necessary for the said Commissioners, unless they think fit, to reject any such Medical Practitioner so in 35 possession of any such Office before the Formation of such District, by reason of the Want of such Qualifications as may be required by them in other Cases.

**Salaried Medical Officers of Districts to attend at** XXVI. It shall be the Duty of any salaried Medical Officer of a Dispensary District, or of an Hospital District under this Act, 40 or (if more than One) then the nearest of such Medical Officers (whether of a Dispensary District or Hospital District), save in the the

the Case of his Sickness or necessary Absence, and then the other nearest of such Medical Officers, without any further Fee or Reward, to examine and certify under the Statute in that Behalf as to the Case of any dangerous Lunatic brought before a Justice of the Peace, within his respective District, when summoned so to do, and also to give his Medical Attendance and Care, so far as shall be necessary, to the Prisoners or Inmates in any Bridewell or House of Correction situate within such respective District, and to supply to such Prisoners and Inmates the necessary Medicines, the Account of which Medicines shall be submitted to the next Meeting of the Committee or Governors of such respective District, who shall make Provision for the Payment thereof; and it shall be lawful for the said Commissioners, if they shall think fit, to take into account the probable Extent of such extraordinary Duties with respect to any such Bridewell or House of Correction, in fixing the Amount of the Salaries of the Medical Officers of such Districts.

Examination of dangerous Lunatics, and to give Attendance at Bridewells within their Districts.

XXVII. The Commissioners or any One of them, and also any such Inspector acting in execution of this Act, by Summons under the Seal of the Commissioners, or under the separate Hand and Seal of any Commissioner or Inspector respectively, as the Case may be, may require the Attendance of all such Persons as they or he shall think fit to call before them or any of them respectively upon any Matter connected with the Execution of this Act, relating to any Hospital, Dispensary, Infirmary, or Medical Institution subject under this Act to the Authority of the said Commissioners, at such Time and Place as shall be set forth in the Summons, and may make Inquiry and require Returns, and may administer Oaths, and examine all such Persons upon Oath, and may require and enforce the Production upon Oath of Books, Contracts, Agreements, Accounts, Maps, Plans, Surveys, Valuations, and Writings, and Copies thereof respectively, in anywise relating to any such Matter as aforesaid; or when the Commissioners, or any One of the Commissioners, or any Inspector, shall think fit, instead of requiring such Oath as aforesaid, they or he may require any such Person to make and subscribe a Declaration of the Truth of the Matter respecting which he shall have been or shall be so examined: Provided always, that no Person shall be required, in obedience to any such Summons of any of the said Commissioners, to go more than *Twenty* Statute Miles from the Place of his Abode, or, in obedience to any such Summons of an Inspector, to go more than *Five* Miles from the Place of his Abode: Provided also, that nothing herein contained shall empower the Commissioners or any Commissioner or Inspector to require the Production of the Title, or of any Papers or Deeds relating to the Title, of any Lands, Tenements,

Power of Commissioners and Inspectors to inquire on Oath, or require a Declaration.

Witness not to be summoned more than Twenty Miles.

Tenements, or Hereditaments, not being Property under the Authority of or vested in the said Commissioners by this Act: Provided also, that nothing herein contained shall authorize the said Commissioners or any of them, or any such Inspector, to exercise such Powers of Summons, Inquiry, Examination, or other such last-men- 5  
tioned Powers as aforesaid, in the Case of any Hospital, Infirmary, or Medical Institution supported by private Endowments, Bequests, Property, or Subscriptions.

Penalty for  
false Evi-  
dence.

Penalty for  
refusing Evi-  
dence, or  
neglecting  
to attend, &c.

XXVIII. Every Person who upon any such Examination as afore-  
said under the Authority of this Act shall wilfully give false 10  
Evidence, or wilfully make or subscribe a false Declaration, shall be  
deemed guilty of a Misdemeanor; and every Person who shall refuse  
or wilfully neglect to attend in obedience to any such Summons as  
aforesaid of the Commissioners, or any One of the Commissioners, or  
any Inspector, or to give Evidence as aforesaid, or shall wilfully 15  
alter, suppress, conceal, destroy, or refuse to produce any Books,  
Contracts, Agreements, Accounts, Maps, Plans, Surveys, Valuations, or  
Writings, or Copies of the same, which may be required as aforesaid  
to be produced for the Purposes of this Act, to any Person autho-  
rized by this Act to require the Production thereof, shall be liable to 20  
forfeit a Sum not exceeding *Five Pounds*, to be recovered before any  
Justice or Justices at Petty Sessions under his or their Warrant, by  
Distress and Sale of the Goods of the Party so offending, returning  
to such Party the Overplus.

Inspectors to  
visit District  
Hospitals  
and attend  
Meetings.

Power to  
inspect once  
in each Year  
Hospitals  
supported by  
private En-  
dowment,  
save as  
herein  
excepted.

XXIX. Every Inspector acting in execution of this Act shall be 25  
entitled to enter at all Times into and to inspect every Infirmary  
or Hospital or other Medical Institution or Building used for the  
Purposes of this Act, and to attend the Meetings of every Board of  
Guardians, Dispensary Committee, or Board of Governors of any  
Hospital District, on all Business arising in the Execution of this 30  
Act, and to take part in the Proceedings, but not to vote at such  
Meeting; and the said Commissioners, or an Inspector by their  
Order in Writing, shall be empowered once in each Year (if they  
shall deem it expedient) to enter, inspect, and report upon any  
Infirmary, Hospital, or Medical Institution supported by private 35  
Endowments, Bequests, or Property: Provided always, that, excepting  
the Provisions herein-before made for Inspection and Inquiry, none  
of the Provisions of this Act shall extend to any Infirmary, Fever  
Hospital, or other Hospital or Medical Institution used as Part of  
and in immediate connexion with any Union Workhouse: Provided 40  
also, that none of the Provisions of this Act shall extend to any  
Lunatic Asylum, or to any Infirmary, Hospital, or Medical Institu-  
tion attached to or in connexion with any Establishment of any  
religious

religious Order or Community of Females bound by religious or monastic Vows.

XXX. And whereas it may be expedient for the said Commis-  
 sioners in certain Cases to direct the Sale, Surrender, or Exchange of  
 5 the Buildings and Premises subject to their Authority under the Pro-  
 visions of this Act : Be it therefore enacted, That in any Case where  
 it shall be by them so deemed expedient, it shall be lawful for the said  
 Commissioners from Time to Time, by Order under their Seal, to  
 direct the Governors of any Hospital District to sell or to exchange  
 10 or surrender, as the Case may be, any of the Buildings and Sites  
 thereof, or the Lands and Premises thereto belonging, vested in them  
 under this Act, and thereupon it shall be lawful for the said Governors  
 of the said Hospital District, with the Approbation of the said Com-  
 missioners, signified under their Seal, to sell any of the said Buildings,  
 15 and the Sites and Lands and Premises thereto belonging or apper-  
 taining, and the Rights, Members, and Appurtenances thereof, accord-  
 ing to their Estate and Interest therein, either by public Auction or by  
 private Contract, and in such Manner as to them shall seem fit, to  
 such Person or Persons as shall be willing to become the Purchaser  
 20 or Purchasers of the same, or any Part or Parts thereof, or to make  
 any Exchange of any such Buildings, Lands, or Premises for other  
 Lands or Premises, or to surrender any Lease of any such Buildings,  
 Lands, or Premises as aforesaid, on such Terms as may be agreed on,  
 and to enter into all necessary Contracts for such Sale or Sales, Ex-  
 25 change or Exchanges, and to rescind and vary the same, and to give  
 full and effectual Discharge or Discharges for the Purchase Money of  
 such Premises or other Consideration, or any Part thereof, and to  
 execute all necessary Conveyances for vesting any such Buildings or  
 Premises in the Purchaser or Purchasers thereof or any Part thereof,  
 30 or Party taking the same by Exchange or Surrender, for all the Estate  
 or Interest vested in the said Governors as aforesaid in such Build-  
 ings or Premises, or in the said Part or Parts thereof respectively,  
 so sold and conveyed, or exchanged or surrendered ; and all such  
 Purchase Money or Consideration Money, after deducting the necessary  
 35 Expenses of such Sale or Sales, or Exchange or Surrender, shall be  
 paid and placed to the Credit of the Hospital District to which such  
 Buildings, Lands, or Premises before appertained or belonged, pur-  
 suant to the Provisions of this Act.

Power to  
 Commis-  
 sioners to  
 sell and  
 exchange  
 Buildings,  
 &c.

XXXI. The said Commissioners shall be the Commissioners for  
 40 executing in Ireland the Powers and Purposes of "The Nuisances  
 Removal and Diseases Prevention Act, 1848," and an Act of the fol-  
 lowing Session of Parliament amending the same ; and all Committees,  
 Inspectors, Medical Officers and other Persons appointed or employed  
 124. E under  
 The Com-  
 missioners to  
 execute in  
 Ireland the  
 Nuisances  
 Removal  
 and Diseases

Prevention under the Powers of this Act shall and they are hereby required, within their respective Districts, to aid the Guardians of the Poor, and such Officers or Persons as they shall appoint or employ, in the Superintendence and Execution of any Directions and Regulations which may at any Time be issued by the said Commissioners for the Time being under the Authority and by virtue of the said Nuisances Removal and Diseases Prevention Act and the said Act, amending the same, or under or by virtue of the Provisions hereof in relation thereto; and all Expenses which shall be incurred on account or in execution of the said last-mentioned Act or Acts, and chargeable upon the Poor Rates, shall hereafter be charged on the Poor Rates of the respective Electoral Division situate within such District, in like Manner, and be ascertained, paid, and audited, in all respects as directed for the Expenditure under the Provisions and for the Purposes of this Act.

Act, 1848.  
11 & 12 Vict.  
c. 123.  
12 & 13 Vict.  
c. 111.

11 & 12 Vict.  
c. 123. s. 14.

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XXXII. The said Commissioners shall once at least in every Year submit to the Lord Lieutenant a General Report of their Proceedings under the Provisions of this Act, including the total Expenses incurred in Ireland and in each Union in carrying this Act into execution in each Year, together with a List of all Districts, Dispensaries, and Hospitals under this Act, and the total annual Expense of each; and every such General Report shall be laid before both Houses of Parliament on or before the *Thirty-first Day of March* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, within *Six Weeks* after the next Meeting of Parliament.

Annual  
Reports to  
Lord Lieu-  
tenant;

and to be  
laid before  
Parliament.

Interpreta-  
tion of Act.

XXXIII. In the Interpretation of this Act the Words "Lord Lieutenant" shall extend to and include the Chief Governor or Governors of Ireland for the Time being, and the Word "Medical" shall be construed to extend to and include the Word "Surgical," and the Word "Hospital" shall include "Infirmery," and the Word "Infirmery" shall include "Hospital," unless there be something in the Subject repugnant to such Construction.

XXXIV. This Act shall commence and take effect from and after the *First Day of October One thousand eight hundred and thirty-five*.

Commence-  
ment of Act.



# Medical Charities.

(Ireland).

A

## B I L L

To provide for the better Distribution, Support, and Management of Medical Charities in Ireland; and to amend an Act of the Eleventh Year of Her Majesty, to provide for the Execution of the Laws for the Relief of the Poor in Ireland.

*(Prepared and brought in by  
Sir William Somerville and Mr. Attorney General  
for Ireland.)*

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*Ordered, by The House of Commons, to be Printed,  
17 March 1851.*

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124.

*Under 3 oz.*

# Mercantile Marine Act Amendment Bill.

## ANALYSIS.

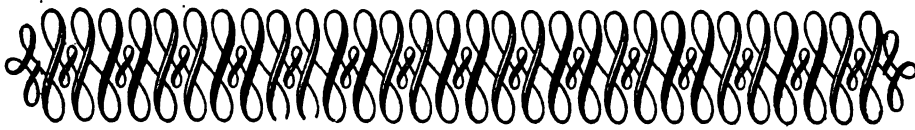
SECTIONS REFERRED TO AND AMENDED.	CONTENTS OF NEW CLAUSES.
13 & 14 Vict. c. 93. § 7.	1. Short Title.
13 & 14 Vict. c. 93. § 28.	2. To be taken as Part of Mercantile Marine Act.
13 & 14 Vict. c. 93. §§ 30. 31.	3. If any Local Marine Board fails to meet or discharge its Duties, the Board of Trade may assume its Duties or direct a new Election.
13 & 14 Vict. c. 93. §§ 30. 50.	4. Increased Powers of cancelling or suspending Certificates.
13 & 14 Vict. c. 93. § 4. 47. 96, 97, 98, 99, 100, 101.	5. Certificates of Masters and Mates may be either appropriate to the Station of the Holder or of a superior Grade.
13 & 14 Vict. c. 93. § 4.	6. Certificates of Masters and Mates to be produced to Shipping Masters, who are to certify the same and the proper Execution of the Agreement for the Satisfaction of the Officers of Customs.
13 & 14 Vict. c. 93. § 47.	7. Engagements and Discharges for Colonial Ships to be made before Shipping Master, and Schedule C to be delivered by such Ships.
13 & 14 Vict. c. 93. § 47. 97.	8. Colonial Ships merely touching at Ports in the United Kingdom not to be deemed on that account subject to the Mercantile Marine Act.
13 & 14 Vict. c. 93. § 34. 47.	9. Foreign-going Ships making short Voyages may have running Agreements. Manner of entering into and terminating them.
13 & 14 Vict. c. 93. §§ 38. 39.	10. Manner of engaging and discharging Men in the meantime.
8 & 9 Vict. c. 116. § 8. and 13 & 14 Vict. c. 93. §§ 3. 40.	11. Duplicates of such Agreements may be either returned or kept by Shipping Master.
13 & 14 Vict. c. 93. §§ 46. 48. 51. 55. 85. 90. and 93.	12. Fees to be paid on such Agreements.
13 & 14 Vict. c. 93. §§ 59, 60.	13. General Law concerning Agreements to apply to the running Agreements.
13 & 14 Vict. c. 93. § 61.	14. Shipping Masters are to assist in binding Apprentices, and may take Fees.
7 & 8 Vict. c. 112. § 18. and 13 & 14 Vict. c. 93. § 65.	15. Coasters to be relieved from carrying Official Logs, and if less than Eighty Tons Burden, from carrying Agreements.
7 & 8 Vict. c. 112. § 18.	16. Advance Notes may be given at Time of signing Agreement.
7 & 8 Vict. c. 112. § 10.	17. Repeal of Section giving Powers to sue on Advance Notes, and Substitution of amended Clause.
13 & 14 Vict. c. 93. § 77.	18. Power of dispensing with Lime Juice extended.
	19. Power to substitute other Articles for Lime Juice.
	20. Penalty for harbouring Deserters to extend to harbouring Men who refuse to join.
	21. Misconduct in Pilots endangering Ship, Life or Limb, a Misdemeanor.



*Mercantile Marine Act Amendment.*

SECTIONS REFERRED TO AND AMENDED.	CONTENTS OF NEW CLAUSES.
13 & 14 Vict. c. 93. § 80.	22. Costs of procuring Imprisonment may, to Extent of 3 <i>l.</i> , be deducted from Wages.
13 & 14 Vict. c. 93. § 82.	23. Naval Courts constituted under the Mercantile Marine Act to have Power to make certain Decisions as to Wages.
13 & 14 Vict. c. 93. § 82.	24. Such Courts to have the Powers of sending home Offenders for Trial given to Consuls by 7 & 8 Vict. c. 112. §§ 59, 60.
13 & 14 Vict. c. 93. § 82.,	25. Orders of such Courts to be entered in Official Log.
13 & 14 Vict. c. 93. § 86.	26. Entry of Offence in Official Log to be read over to Offender.
13 & 14 Vict. c. 93. § 39. & Sch. C.	27. Reduction of Sums to be deducted from Wages.
	28. Accountant to Naval Department of Board of Trade.

1 July 1851. 14 & 15 VICT.



A

# B I L L

TO

## Amend the Mercantile Marine Act, 1850.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS it is expedient to amend The Mercantile Marine Preamble.  
Act, 1850 : Be it therefore enacted, by the Queen's most  
Excellent Majesty, by and with the Advice and Consent  
of the Lords Spiritual and Temporal, and Commons, in this present  
5 Parliament assembled, and by the Authority of the same, as follows :

I. This Act may be cited as the "Mercantile Marine Act Amend- Short Title.  
ment Act, 1851."

II. This Act shall, so far as is consistent with the Contents and To be taken  
Subject Matter thereof, be taken as Part of and construed with the as part of the  
10 said Mercantile Marine Act, 1850. Mercantile  
Marine Act,  
13 & 14 Vict.  
c. 93.

III. If any Local Marine Board, by reason of any Election not If any Local  
taking place, or of the simultaneous Resignation or constant Non- Marine  
attendance of all or the greater Part of the Members, or from any other Board fail  
Cause, fails to meet or to discharge its Duties, the Board of Trade may to discharge  
its Duties,  
the Board of  
Trade may  
assume its  
Duties, or  
direct a new  
Election,  
13 & 14 Vict.  
c. 93, s. 7.

15 in its Discretion either take into its own Hands the Performance of the  
Duties of such Local Marine Board until the next triennial Appoint-  
ment and Election thereof, or direct that a new Appointment and  
Election of such Local Marine Board shall take place immediately.

462.

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IV. If

Increased Powers of cancelling or suspending Certificates. 13 & 14 Vict. c. 93. s. 28.

Certificates of Masters and Mates may be either appropriate to the Station of the Holder or of a superior Grade. 13 & 14 Vict. c. 93. s. 30. and 31.

Certificates of Masters and Mates to be produced to Shipping Masters who are to certify the same, and the proper Execution of the Agreement for the Satisfaction of the Officers of Customs. 13 & 14 Vict. c. 93., ss. 30. and 50.

IV. If any Master or Mate is convicted of Felony, or is convicted and sentenced to Imprisonment either summarily or otherwise under any of the Provisions of the Act of the Eighth Year of the Reign of Her Majesty Queen Victoria, Chapter One hundred and twelve, or of the Mercantile Marine Act 1850, the Board of Trade may cancel 5 or suspend his Certificate, whether of Competency or Service; and if upon any Investigation held under the Twenty-eighth Section of the said Mercantile Marine Act the Report of the Board or Persons making the same is to the Effect that such Master or Mate has been guilty of any gross and repeated Acts of Dishonesty, or of Drunken- 10 ness, or of Tyranny, the Board of Trade may cancel or suspend his Certificate, whether of Competency or Service, and any such Cancellation or Suspension shall have the same Effect as any Cancellation or Suspension made under the said Twenty-eighth Section of the Mercantile Marine Act 1850; provided that the Powers hereby given shall 15 not affect or diminish the Powers given by the said Twenty-eighth Section of the Mercantile Marine Act 1850.

V. In any Case in which Masters or Mates of Merchant Ships are required to possess or produce Certificates of Competency or Service, such Certificates may be either of a Grade appropriate to the Stations 20 held by them for the Time being, or of any superior Grade.

VI. After the *First Day of September One thousand eight hundred and fifty-one*, the Master of every Foreign-going Ship shall, on signing the Agreement with his Crew as required by the Mercantile Marine Act 1850, produce to the Shipping Master before whom the same is 25 signed the Certificate of Competency or Service which the said Master and his First and Second Mate or only Mate, as the Case may be, are by the said Act required to possess; and upon such Production being duly made and the Agreement being duly executed as by the said Act is required, the Shipping Master shall sign and 30 give to the Master a Certificate to that Effect; and in the Case of running Agreements herein-after provided for, the Shipping Master shall before the Second and every subsequent Voyage made after the First Commencement of the Agreement sign and give to the Master, on his complying with the Provisions herein-after contained with 35 respect to such Agreements, and producing to the Shipping Master the Certificate of Competency or Service of any First, Second, or only Mate then first engaged by him, a Certificate to that Effect; and the Master of every Foreign-going Ship shall before proceeding to Sea produce the Certificate so to be given to him by the Shipping Master 40 as aforesaid to the Collector or Comptroller of Customs, and the Collector or Comptroller may thereupon, notwithstanding any Provision to the contrary in the said Mercantile Marine Act, 1850 contained,

taind, allow such Ship to proceed to Sea without requiring the Production of the Certificates of Competency or Service or the Agreement with the Crew; and no Officer of Customs shall clear any Foreign-going Ship Outwards or permit her to proceed to Sea without the Production of such Certificate from the Shipping Master as aforesaid.

VII. Such Provisions of the Mercantile Marine Act 1850 as relate to the Engagement and Discharge of Seamen in the Presence of a Shipping Master shall extend to all Engagements and Discharges of Seamen made within the Limits of the United Kingdom in and from Foreign-going British Ships, in whatever Part of Her Majesty's Dominions such Ships may be registered or licensed, and in whatever Trade or Occupation (other than the Trade or Occupation of Home Trade Ships) they may be employed; and such Provisions of the said Act of the Eighth Year of Her Majesty Queen Victoria as relate to the Transmission or Delivery of the Account or List referred to in the said Act as Schedule C. shall apply to all Ships as aforesaid when discharging their Crews in the United Kingdom; provided that if the Master of any Ship not belonging to the United Kingdom who engages Seamen in the United Kingdom is furnished with an Agreement made in due Form according to the Law of the Territory or Colony to which such Ship belongs, the Seamen so engaged in the United Kingdom may sign such Agreement in the Presence of the Shipping Master, and the Master shall not be compelled to enter into an Agreement with them in the Form required by the Mercantile Marine Act 1850.

Engagements and Discharges for Colonial Ships to be made before a Shipping Master. 13 & 14 Vict. c. 93. ss. 4. 47. 96, 97, 98, 99, 100, 101. and Sched. C. to be delivered by such Ships. 7 & 8 Vict. c. 112. ss. 26. 29.

VIII. If the Crew of any Ship registered in any Territory or Colony being Part of Her Majesty's Dominions abroad is engaged within the Limits of such Territory or Colony according to the Laws for the Time being in force there for a Voyage which is to terminate in such Territory or Colony, and is so expressed in the Agreement, such Ship shall not, by reason of her touching in the course of such Voyage at any Place or Places in the United Kingdom, and likewise at other Places not situate in such Territory or Colony as aforesaid, be construed to be a Ship to which the said Mercantile Marine Act 1850 or this Act applies, except so far as relates to the Engagement or Discharge of any Seaman engaged in or discharged from such Ship within the Limits of the United Kingdom.

Colonial Ships merely touching in the United Kingdom not to be deemed on that Account to fall within the 13 & 14 Vict. c. 93. s. 4.

IX. In the Case of Foreign-going Ships making Voyages averaging less than Six Months in Duration, Agreements with the Crew may be made to extend over Two or more Voyages in the Manner and subject to the Conditions herein-after mentioned; (that is to say,) no such Agreement shall extend beyond the next following Thirtieth of June or Thirty-first of December, or the First Arrival of the Ship at her Port of Destination in the United Kingdom after such Date; and every Person entering

Foreign-going Ships making short Voyages may have running Agreements. Manner of commencing and terminating such Agreements.

entering into such Agreement, whether engaged upon the First Commencement thereof or otherwise, (except Seamen engaged out of the United Kingdom and such Substitutes as herein-after mentioned) shall enter into and sign the same in the Manner required by the said Mercantile Marine Act 1850 in the Case of Foreign-going Ships ; and every Person engaged thereunder if discharged in the United Kingdom shall be discharged in the Manner required by the said Act for the Discharge of Seamen belonging to Foreign-going Ships ; and Seamen engaged out of the United Kingdom, and Substitutes engaged in the Place of Seamen who have duly signed this Agreement, and whose Services are lost within *Twenty-four* Hours before the Ship puts to Sea by Death, Desertion, or other unforeseen Cause may be engaged in the Manner provided for such Cases by the Forty-seventh Section of the said Mercantile Marine Act 1850.

Engagement  
and Dis-  
charge of  
Seamen in  
the mean-  
time.

X. The Master of every Foreign-going Ship for which such a running Agreement as aforesaid is made shall, upon every Return to any Port in the United Kingdom before the final Termination of the Agreement, discharge or engage before the Shipping Master there any Seaman whom he is required by Law so to discharge and engage, and shall endorse on the Agreement a Statement (as the Case may be) either that no such Discharges or Engagements have been made or are intended to be made before the Ship again leaves Port, or that all such Discharges or Engagements have been duly made as herein-before required ; and any Master who wilfully makes a false Statement in such Indorsement shall be liable to a Penalty not exceeding *Twenty Pounds* ; and the Shipping Master shall also sign an Indorsement on the Agreement to the Effect that the Provisions of this Act relating to such Agreement have been complied with, and shall re-deliver the Agreement so indorsed to the Master, when signed and attested.

Duplicates of  
such Agree-  
ments may  
be either  
kept by the  
Shipping  
Master, or  
returned as  
usual.  
13 & 14 Vict.  
c. 93. ss. 34.  
47.

XI. In Cases in which such running Agreements are made, the Duplicate Agreement retained by the Shipping Master upon the First Engagement of the Crew shall either be returned to the Registrar of Seamen immediately, or be kept by the Shipping Master until the Expiration of the Agreement, as the Board of Trade may direct.

Fees to be  
paid on such  
running  
Agreements.  
13 & 14 Vict.  
c. 93. ss. 38.  
39.

XII. For the Purpose of determining the Fees to be paid upon the Engagement and Discharge of Seamen belonging to such Ships as aforesaid, the Crews shall be considered to be engaged when the Agreement is first signed, and to be discharged when the Agreement finally terminates, and all intermediate Engagements and Discharges shall be considered to be Engagements and Discharges of single Seamen : Provided, that nothing herein contained shall affect the Power of

of reducing Fees which the Board of Trade possesses under the said Mercantile Marine Act 1850.

XIII. Except as herein-before provided, all Enactments relating to Agreements or to Discharges which are contained in the said Act shall apply to Agreements and Discharges effected in the Manner herein-before mentioned.

General Law concerning Agreements and Discharges to apply to such Cases.

XIV. All Shipping Masters appointed under the said Mercantile Marine Act 1850 shall, if applied to for the Purpose, give to any Boards of Guardians or other Persons desirous of apprenticing Boys to the Sea Service and to Masters and Owners of Ships requiring Apprentices such Assistance as is in their Power and is consistent with their other Duties for facilitating the making of such Apprenticeships, and shall, notwithstanding anything in the Act of the Ninth Year of Her Majesty Queen Victoria, Chapter One hundred and sixteen or in the Mercantile Marine Act 1850 contained, be entitled to demand and receive from Persons availing themselves of such Assistance such Fees as may be determined in that Behalf by the Board of Trade with the Concurrence, so far as relates to Parish Apprentices, of the Poor Law Board; and such Fees shall be accounted for and applied in the same Manner as Fees received under the Mercantile Marine Act 1850.

Shipping Masters are to assist in binding Apprentices, and may receive Fees.

8 & 9 Vict. c. 116. s. 8. 13 & 14 Vict. c. 93. ss. 3. 40.

XV. Such Provisions of the Mercantile Marine Act 1850 as require the Masters or Owners of Ships of less than Eighty Tons Burden employed exclusively in trading between different Places on the Coast of the United Kingdom to keep use produce or deliver Agreements with their Crews, and such Provisions of the same Act as require the Masters or Owners of any such Ships as last aforesaid, of whatever Burden, to keep use produce or deliver Official Log Books, shall be repealed.

Coasters to be relieved from carrying Official Logs, and if of less than Eighty Tons Burden, from carrying Agreements. 13 & 14 Vict. c. 93. ss. 46. 48. 51. 55. 85. 90. & 93.

XVI. So much of the Fifty-ninth Section of the said Mercantile Marine Act 1850 as provides that Advance Notes shall not be given to Seamen who sign the Agreement before a Shipping Master until Four Hours after the Agreement has been so signed, shall be repealed; and so much of the Sixtieth Section of the same Act as relates to the Breach of such Provision shall also be repealed.

Advance Notes may be given at the Time of signing Agreement 13 & 14 Vict. c. 93. ss. 59, 60.

XVII. The Sixty-first Section of the Mercantile Marine Act 1850 shall be repealed; and in lieu thereof, be it enacted, That whenever any Advance Note is discounted for any Seaman, such Seaman shall sign or set his Mark to a Receipt indorsed on the Note, stating the Sum actually paid or accounted for to him by the Person discounting the

Repeal of 13 & 14 Vict. c. 93. s. 61., and Substitution of amended Clause.

Advance  
Notes to be  
received  
when dis-  
counted.

Certain  
Evidence  
to be suf-  
ficient.

same ; and if the Seaman sails in the Ship from the Port of Departure mentioned in the Note, and is then duly earning his Wages, or is previously discharged with the Consent of the Master, but not otherwise, the Person discounting the Note may *Ten Days* after the final Departure of the Ship from the said Port of Departure mentioned in the Note, sue for and recover the Amount promised by the Note with Costs, either from the Owner or from any Agent who has drawn or authorized the drawing of the Note, either in the County Court or in the summary Manner in which Seamen are by the General Merchant Seamen's Act enabled to sue for and recover Wages not exceeding Twenty Pounds ; and in any such Proceeding it shall be sufficient for such Person to prove that the Note was given by the Owner or Master or some other authorized Agent, and that the same was discounted to and receipted by the Seaman, and the Seaman shall be presumed to have sailed in the Ship from such Port as aforesaid, and to be duly earning his Wages, unless the contrary is proved either by the Production of his Register Ticket or by the official Statement of the Change in the Crew caused by his Absence made and signed by the Master as by the Mercantile Marine Act 1850 required, or in some other Manner.

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Power of  
dispensing  
with Lime  
Juice, &c.  
extended.  
7 & 8 Vict.  
c. 112 s. 18.  
13 & 14 Vict.  
c. 93. s. 65.

XVIII. The Power of dispensing with so much of the Act of the Eighth Year of Her Majesty Queen Victoria, Chapter One hundred and twelve, as relates to Lime or Lemon Juice Sugar and Vinegar, which is by the Sixty-fifth Section of the said Mercantile Marine Act 1850 given to the Board of Trade, shall extend to Ships bound to any Port on the Eastern Coast of North America North of the Thirty-fifth Degree of North Latitude, and to any Islands or Places in the Atlantic Ocean North of the same Limits.

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Power to sub-  
stitute other  
Articles for  
Lime Juice.  
7 & 8 Vict.  
c. 112. s. 18.

XIX. The Board of Trade may direct that Citric Acid or any other Article of a similar Nature may at the Discretion of Masters or Owners of Ships be substituted for the Lime or Lemon Juice required by the Eighteenth Section of the Act of the Eighth Year of Her Majesty Queen Victoria, Chapter One hundred and twelve, and may impose any Conditions it thinks fit upon any such Substitution, and may revoke any such Directions ; and no Master or Owner who complies with such Directions shall be compelled to carry or serve out Lime or Lemon Juice, or be liable to any Penalty for not carrying or serving out the same.

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Penalty for  
harbouring  
Deserters to  
extend to  
harbouring  
Men who  
refuse to join.

XX. Such Provisions of the Tenth Section of the Act of the Eighth Year of Her Majesty Queen Victoria, Chapter One hundred and twelve, as relate to the harbouring or secreting of Deserters, shall extend to the harbouring or secreting of any Seaman who after duly signing

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signing the Agreement wilfully neglects or refuses to join his Ship, or  
of any Apprentice who so neglects or refuses. 7 & 8 Vict.  
c. 112. s. 10.

XXI. Any Pilot in charge of any Ship who by wilful Breach of  
Duty or by Neglect of Duty, or by reason of Drunkenness, does any  
5 Act tending to the immediate Loss, Destruction, or serious Damage  
of such Ship, or tending immediately to endanger the Life or Limb of  
any Person on board of such Ship, or who by wilful Breach of Duty  
or Neglect of Duty, or by reason of Drunkenness, refuses or omits to  
do any lawful Act proper and requisite to be done by him for preser-  
10 ving such Ship from Loss, Destruction, or serious Damage, or for  
preserving any Person belonging to or on board of such Ship from  
Danger to Life or Limb, shall for each such Offence be deemed guilty  
of a Misdemeanor. Misconduct  
in Pilots en-  
dangering  
Ship, Life, or  
Limb to be  
a Misde-  
meanor.  
13 & 14 Vict.  
c. 93. s. 77.

XXII. Whenever in any Proceeding relating to Seamen's Wages  
15 it is shown that any Seaman or Apprentice has in the course of the  
Voyage been convicted of any Offence by any competent Tribunal,  
and rightfully punished therefor by Imprisonment or otherwise, the  
Court or Justice hearing the Case may, if they or he think fit, direct a  
Part of the Wages due to such Seaman, not exceeding *Three Pounds*,  
20 to be applied in reimbursing any Costs properly incurred by the  
Master in procuring such Conviction and Punishment. Costs of pro-  
curing Im-  
prisonment  
may to the  
Extent of *3l.*  
be deducted  
from Wages.  
13 & 14 Vict.  
c. 93. s. 80.

XXIII. Any Court duly constituted according to the Eighty-second  
Section of the Mercantile Marine Act 1850 shall, in addition to the  
Powers given to it by that Act, have the Power of ordering that the  
25 Wages of any Seaman whom it discharges from his Ship or any Part  
of such Wages shall be forfeited, and may direct either that such  
forfeited Wages be retained by way of Compensation to the Owner, or  
that they be paid to the Board of Trade in the same Manner as Fines  
payable under the said Mercantile Marine Act 1850, and shall also  
30 have the Power of deciding any Questions as to Wages or Fines or For-  
feitures either of Wages or Effects arising between any of the Parties  
to the Proceedings before it; and all such Decisions and Directions  
as aforesaid shall in any subsequent legal Proceedings be deemed to  
be conclusive as to the Rights of the Parties. Naval Courts,  
constituted  
under  
13 & 14 Vict.  
c. 93. s. 82.,  
to have  
Power to  
make certain  
Decisions as  
to Wages.

XXIV. Every such Court as aforesaid shall have and may exercise  
the same Powers with respect to Persons charged with the Com-  
mission of Offences at Sea or abroad, as are by the Fifty-ninth  
and Sixtieth Sections of the Act of the Eighth Year of the Reign of  
Her Majesty Queen Victoria, Chapter One hundred and twelve,  
40 or any of them, given to Her Majesty's Consuls and Vice-Consuls;  
provided that nothing herein contained shall diminish or affect the said  
462. Such Courts  
to have the  
Powers given  
to Consuls by  
7 & 8 Vict.  
c. 112. ss. 59,  
60.



Powers so given to Consuls and Vice-Consuls in any Case in which no such Court as aforesaid is constituted.

Orders of  
such Courts  
to entered in  
Official Log.

XXV. All Orders made by any such Court as last aforesaid shall be entered in the Official Log Book of the Ship to which the Parties to the Proceeding before it belong, and shall be signed by the President 5 of the Court or by One of its Members.

Entry of  
Offences in  
Log to be  
read over to  
Offenders.  
13 & 14 Vict.  
c. 93. s. 86.

XXVI. Except in the Case of Desertion and in other Cases in which it is impossible so to do, every Entry of any Offence made in the Official Log Book shall at the Time when the same is made or as soon afterwards as possible be read over distinctly and audibly to the 10 Offender or upon the Quarter Deck of the Ship, and a Statement to the Effect that the same has been so read shall be added to such Entry and signed as required for the Signature of such Entry ; and except in the Cases aforesaid no such Entry shall be admissible in Evidence on the Part of the Master or Owner, or otherwise available for the 15 Purposes of such Master or Owner, if not so stated to have been read over as herein-before required.

Reduction  
of Sums de-  
ducted from  
Wages under  
13 & 14 Vict.  
c. 93. s. 39. &  
Sched. C.

XXVII. The Schedule hereunto annexed shall be substituted for Schedule C. annexed to the Mercantile Marine Act 1850, and the Thirty-ninth Section of the Mercantile Marine Act shall be construed 20 accordingly.

Accountant  
to the Naval  
Department  
of the Board  
of Trade.

XXVIII. The Person acting for the Time being as Accountant to the Naval Department of the Board of Trade shall be the Person who is to render the Accounts of that Department to the Commissioners of Audit or other Persons undertaking the Audit thereof.

25

SCHE-

**SCHEDULE.**

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Sums to be deducted from Wages by way of partial Repayment of Fees in Schedule B. annexed to the Mercantile Marine Act.

1. In respect of Engagements and Discharges of Crews, upon each Engagement and each Discharge,

				<i>s.</i>	<i>d.</i>
From Wages of any Mate, Purser, Engineer, Surgeon,					
Carpenter, or Steward	-	-	-	1	6
„ all others, except Apprentices	-	-	-	1	0

---

2. In respect of Engagements and Discharges of Seamen separately, upon each Engagement and each Discharge,

*One Shilling.*

**Mercantile Marine Act  
Amendment.**

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A

**B I L L**

To amend the Mercantile Marine Act,  
1850.

*(Prepared and brought in by  
Mr. Labouchere and Sir Francis Baring.)*

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*Ordered, by The House of Commons, to be Printed,  
1 July 1851.*

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462.

*Under 2 oz.*

# Merchant Seamen's Fund Bill.

## ANALYSIS.

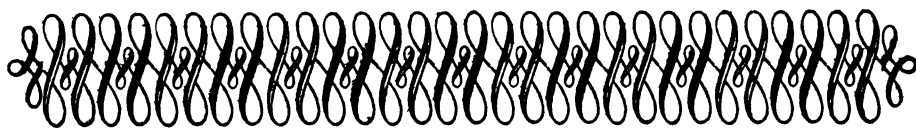
CLASSIFICATION.	CONTENTS.
I. <i>Preliminary.</i>	<ul style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> </ul>
II. <i>Repealing Clause.</i>	<ul style="list-style-type: none"> <li>3. Repeal of so much of 20 G.2. c. 38. as enables President, &amp;c. to purchase Lands and erect a Hospital; so much of Sections 4, 16, 19, 20, and 21 of 4 &amp; 5 W. 4. c. 52., as relates to Purchase of Lands, &amp;c.; so much of Sections 16, 19, 20, and 21 of 4 &amp; 5 W. 4. c. 52. as relates to Appointment of Receivers; the whole of Sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 of 4 &amp; 5 W. 4. c. 52.; the whole of 6 W. 4. c. 15.; and the whole of Section 31. of 7 &amp; 8 Vict. c. 112.</li> </ul>
III. <i>Agency for managing the Fund.</i>	<ul style="list-style-type: none"> <li>4. Board of Trade to superintend the Business of winding up the Fund.</li> <li>5. Corporation and Trustees nominated under Provisions of 20 G. 2. c. 38. and 4 &amp; 5 W. 4. c. 52. to continue so long as necessary for carrying this Act into effect. No Trustees to be appointed where there have hitherto not been any.</li> <li>6. In certain Cases the Board of Trade may suspend the Functions of the President and Governors or Trustees.</li> <li>7. Their Functions in that Case may be undertaken by Board of Trade, or committed to Local Marine Board.</li> <li>8. Shipping Masters appointed under the Mercantile Marine Act to act as Receivers.</li> <li>9. Persons now employed in distributing Relief, &amp;c. may be continued, with Power to Board of Trade to regulate Remuneration, and dismiss them.</li> <li>10. No new Officer to be appointed without Sanction of the Board of Trade.</li> <li>11. Board of Trade may require Security from all Officers employed.</li> <li>12. Salaries, &amp;c. to be approved by Treasury.</li> <li>13. Salaries, &amp;c. to be paid out of the General Fund.</li> </ul>
IV. <i>Sources and Collection of Fund.</i>	<ul style="list-style-type: none"> <li>14. One General Fund to be formed.</li> <li>15. President and Governors and Trustees to apply Property belonging to Fund as Board of Trade directs.</li> <li>16. Property held upon special Trusts to be retained or transferred to new Trustees.</li> <li>17. President and Governors and Trustees to give Accounts, and deliver Documents, and are to exist for the Purpose of Conveyance.</li> </ul>

CLASSIFICATION.	CONTENTS.
IV. <i>Sources and Collection of Fund—continued.</i>	<ul style="list-style-type: none"> <li>18. Payments, &amp;c. to be valid, but not to operate as Release from Breach of Trust.</li> <li>19. No compulsory Contributions in future.</li> <li>20. No one who has not contributed to be allowed to contribute.</li> <li>21. Those who have contributed to be allowed to continue.</li> <li>22. Time of Commencement of new System of Contributions.</li> <li>23. Rate and Mode of voluntary Contribution for Men discharged before a Shipping Master, according to 13 &amp; 14 Vict. c. 93. s. 96.</li> <li>24. Rate and Mode of voluntary Contribution for Men not discharged before a Shipping Master.</li> <li>25. Commissioners of the Treasury to make up any Deficiencies out of the Public Monies.</li> </ul>
V. <i>Wages and Effects of deceased Seamen.</i>	<ul style="list-style-type: none"> <li>26. Masters to take charge of or sell Effects of Seamen dying on board, and to remit them to the Board of Trade.</li> <li>27. Penalties for not taking charge of, selling, remitting, or accounting for such Monies and Effects.</li> <li>28. Provisions for Payment of such Wages and Effects until due Notice can be given of the foregoing Provisions, and until the new Receivers undertake their Duties.</li> <li>29. Schedules C. and D. to 7 &amp; 8 Vict. c. 112. to be made to contain the Particulars necessary to show the Amount of Wages, &amp;c. of deceased Seamen.</li> <li>30. Consuls, &amp;c. to remit Effects of Seamen dying abroad on shore.</li> <li>31. Wages and Effects of Seamen dying at home to be paid to the Board of Trade.</li> <li>32. If less than 50<i>l.</i> they may be paid without Probate or Administration to Person entitled to them; if more, to personal Representatives.</li> <li>33. If unclaimed for Three Years, to go to the Seamen's Fund, and when that is wound up, according to 13 &amp; 14 Vict. c. 93. ss. 117, 118.</li> <li>34. Unclaimed Deposits of Seamen in Savings Banks may be paid to the Board of Trade, and applied in same Manner.</li> </ul>
VI. <i>Objects of Relief,</i>	<ul style="list-style-type: none"> <li>35. Time of Commencement of new System of Pensions.</li> <li>36. Until then, Pensions may be granted as heretofore, but aggregate Pensions at each Port not to exceed those of preceding Year.</li> <li>37. Present Pensions not to be diminished.</li> <li>38. No Seamen to earn Pensions unless they contribute for Five Years.</li> <li>39. Failure to contribute for a certain Period to be an Abandonment of Right to Relief.</li> </ul>

CLASSIFICATION.	CONTENTS.
VI. <i>Objects of Relief</i> —continued.	<ul style="list-style-type: none"> <li>40. Persons who are to be entitled to Pensions.</li> <li>41. Pensions to be on One uniform Scale according to average Rate of present Pensions.</li> <li>42. Masters Pensions to be twice the Rate of Seamen's Pensions.</li> <li>43. In the Case of Widows and Children, Gratuities may be substituted for Pensions.</li> <li>44. Aggregate Number of Pensions in each Port not to exceed Average of last Three Years ; those who have contributed longest to be first provided for.</li> <li>45. Pensions to be inalienable.</li> <li>46. Board of Trade may make Regulations for carrying the foregoing Provisions into effect.</li> <li>47. Payment to Seamen's Hospital Society for Seven Years.</li> </ul>
VII. <i>Mode of Distribution.</i>	<ul style="list-style-type: none"> <li>48. President and Governors and Trustees, unless suspended, to distribute Relief.</li> <li>49. Board of Trade to make Regulations as to Applications for Pensions.</li> <li>50. Punishment for Forgery and Personation.</li> </ul>
VIII. <i>Accounts and Returns.</i>	<ul style="list-style-type: none"> <li>51. Board of Trade may open Account with Bank.</li> <li>52. All Persons engaged in administering the Funds to make Returns to the Board of Trade.</li> <li>53. General Return to be made, and laid before Parliament.</li> </ul>
IX. <i>Legal Proceedings.</i>	<ul style="list-style-type: none"> <li>54. Orders, &amp;c. published in Gazette to be Evidence.</li> <li>55. Procedure to be same as under Mercantile Marine Act.</li> </ul>



20 June 1851. 14 & 15 Vict.



A

# B I L L

TO

Amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime.

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[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

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**W**HEREAS an Act was passed in the Twentieth Year of Preamble.  
the Reign of King George the Second, intituled “An Act 20G. 2. c. 38.  
“ for the Relief and Support of maimed and disabled  
“ Seamen, and the Widows and Children of such as shall be killed,  
5 “ slain, or drowned in the Merchant Service:” And whereas another  
Act was passed in the Session of the Fourth and Fifth Years of the  
Reign of King William the Fourth, intituled “An Act to amend an 4 & 5 W. 4.  
“ Act of the Twentieth Year of His Majesty King George the c. 52.  
“ Second, for the Relief and Support of sick, maimed, and disabled  
10 “ Seamen, and the Widows and Children of such as shall be killed,  
“ slain, or drowned in the Merchant Service; and for other Pur-  
“ poses:” And whereas another Act was passed in the Sixth Year  
of the Reign of King William the Fourth, intituled “An Act to 6 W. 4. c. 15.  
“ amend an Act of the Fourth and Fifth Years of His present  
15 “ Majesty, in order to enable certain Seamen belonging to Shetland  
“ or Orkney to pay certain Sums of Money payable under that Act  
“ to the Seamen's Fund at Lerwick in Shetland or Kirkwall in  
420. A “ Orkney



" Orkney : " And whereas the Institution established and carried on under the Provisions of the said recited Acts, commonly known by the Name of the " Merchant Seamen's Fund," has fallen into a State of Insolvency, and can no longer be carried on with Benefit to British Merchant Seamen, and it is therefore expedient that the said Institution should be brought to an End, and that such Provision should be made as herein-after mentioned for winding up the Affairs thereof, and for satisfying the just Demands of Persons having Claims upon the said Fund : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

<p>I. <i>Preliminary.</i> Short Title.</p>	<p>1. This Act may be cited as " The Seamen's Fund Winding-up Act, 1851." 15</p>
<p>Interpreta- tion.</p>	<p>2. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter ; (that is to say,)</p>
<p>" United Kingdom : "</p>	<p>The Expression " United Kingdom " shall be taken to mean the United Kingdom of Great Britain and Ireland : 20</p>
<p>" Board of Trade : "</p>	<p>The Expression " Board of Trade " shall mean the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations :</p>
<p>" President and Govern- ors : "</p>	<p>The Expression " President and Governors " shall mean the President and Governors for the Relief and Support of sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service, incorporated by the first of the said recited Acts : 25</p>
<p>" the Fund : "</p>	<p>The Expression " the Fund " shall mean the Merchant Seamen's Fund : 30</p>
<p>" Ship : "</p>	<p>The Word " Ship " shall include every Description of Vessel employed on the High Seas or on the Coasts of the United Kingdom, or in any Port or Creek of the same, except Boats exclusively employed in fishing on the Coasts of the United Kingdom, or the Islands of Guernsey, Jersey, Sark, Alderney, or Man, and except Vessels employed exclusively in trading or going only from Place to Place within any River of the United Kingdom : 35</p>
<p>" Home-trade Ship : "</p>	<p>The Expression " Home-trade Ship " shall include every Ship included in the above Definition, employed in trading or going within the following Limits ; (that is to say,) the Coasts of the United Kingdom, the Islands of Guernsey, Jersey, Sark, Alderney, 40</p>

derney, and Man, and the Continent of Europe between the River Elbe and Brest, inclusive :

*Preliminary.*

The Expression "Foreign-going Ship" shall include every "Ship" included in the above Definition, employed in trading or going beyond the Limits aforesaid :

"Foreign-going Ship :"

The Word "Owner," when applied to a Ship, shall include all the Persons, if more than One, to whom the Ship belongs :

"Owner :"

The Word "Master" shall include every Person having Command or Charge of a Ship :

"Master :"

The Word "Seaman" shall include every Person (except Masters and Apprentices duly indentured and registered) employed or engaged to serve in any Capacity on board any Ship.

"Seaman."

II.  
*Repealing Clause.*

3. The following Enactments, (that is to say,) so much of the said Act of the Twentieth Year of the Reign of King George the Second, Chapter Thirty-eight, as enables the said President and Governors to purchase Lands and erect a Hospital; so much of the Fourth, Sixteenth, Nineteenth, Twentieth, and Twenty-first Sections of the said Act of the Fourth and Fifth Years of the Reign of King William the Fourth, Chapter Fifty-two, as relates to the Purchase by the said President and Governors, or by any Trustees at Outports, of Lands, Tenements, or Hereditaments; so much of the Sixteenth, Nineteenth, Twentieth, and Twenty-first Sections of the last-mentioned Act as relates to the Appointment by any Trustees at Outports of Receivers of the Fund, and to the Collection of Duties; the Second, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Seventeenth, Twenty-second, Twenty-third, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, and Thirty-fifth Sections of the last-mentioned Act; the Act of the Sixth Year of the Reign of King William the Fourth, Chapter Fifteen; and the Thirty-first Section of the Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and twelve, shall be repealed, except as to any Offences committed or Penalties or Liabilities incurred under any of the said Enactments before the passing of this Act, and also, so far as relates to the said Thirtieth and Thirty-first Sections of the Act of the Fourth and Fifth Years of the Reign of King William the Fourth, Chapter Fifty-two, and the Thirty-first Section of the Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and twelve, except as to any Monies paid to and Effects deposited with the said President and Governors, or any Trustees at Outports, before the passing of this Act.

Repeal of so much of 20 G. 2. c. 38. as enables President, &c. to purchase Lands and erect a Hospital; so much of Sections 4, 16, 19, 20, and 21 of 4 & 5 W. 4. c. 52., as relates to Purchase of Lands, &c.; so much of Sections 16, 19, 20, and 21 of 4 & 5 W. 4. c. 52. as relates to Appointment of Receivers; the whole of Sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 of 4 & 5 W. 4. c. 52; the whole of 6 W. 4. c. 15.; and the whole of Section 31. of 7 & 8 Vict. c. 112.

III.  
Agency for  
managing the  
Fund.  
Board of  
Trade to  
superintend  
the Business  
of winding-  
up the Fund.

4. The Board of Trade shall undertake the general Supervision of the Business of winding up the Fund in manner herein-after mentioned; and the Two Persons nominated to assist such Board in the Execution of the Mercantile Marine Act, 1850, shall assist such Board in the Execution of this Act; and such Board may for the 5 Purpose of carrying this Act into execution appoint such Clerks and Servants as it may deem necessary, and make use of the General Register Office of Merchant Seamen, and may, if necessary for such Purpose, increase the Number of Persons employed there, and may appoint additional Remuneration to any Persons now employed there 10 upon whom additional Duties are thrown by reason of this Act.

Corporation  
and Trustees  
nominated  
under Pro-  
visions of  
20 G. 2. c. 38.  
and 4 & 5  
W. 4. c. 52.  
to continue  
so long as  
necessary for  
carrying this  
Act into  
effect.

5. The President and Governors and the several Boards of Trustees nominated under the Provisions of the Act of the Twentieth Year of the Reign of King George the Second, Chapter Thirty-eight, and of the Act of the Fourth and Fifth Years of the Reign 15 of King William the Fourth, Chapter Fifty-two, or of either of such Acts, shall continue to exist, and to have Succession, or to be from Time to Time nominated, as provided by the said Acts or either of them, for such Time and to such Extent as are consistent with the Provisions of this Act, and necessary for carrying the same 20 into effect; and the said President and Governors and Boards of Trustees (including the Guild and Brotherhood of the Master and Pilots Seamen of the Town and Port of Kingston-upon-Hull, and the Master, Wardens, and Commonalty of Merchant Venturers of the City of Bristol,) shall continue to have and exercise such of the 25 Powers granted to them respectively by the said Acts or either of them as are consistent with the Provisions of this Act; but no Trustees shall be appointed at any Outport at which they have not been appointed before the passing of this Act.

No Trustees  
to be ap-  
pointed  
where there  
have hitherto  
not been any.

In certain  
Cases the  
Board of  
Trade may  
suspend the  
Functions  
of the  
President  
and Gover-  
nors or  
Trustees.

6. If the said President and Governors, or any of the Boards of 30 Trustees at Outports, fail to be duly chosen or constituted, or resign, or neglect or refuse to discharge their Duties in respect of the Fund, or to obey any of the Provisions of this Act, or any Regulations or Orders lawfully issued in pursuance thereof, the Board of Trade may, by Letter to be signed by One of the Secretaries or Assistant Secretaries 35 to such Board, declare the Functions of the said President and Governors or of any such Board of Trustees (as the Case may be) in respect of the Fund to be suspended, and the said Corporation or Board of Trustees shall thereupon cease, so long as such Suspension continues, to have any Rights or Powers in respect thereof, and shall 40 deliver all Property and Matters relating to the said Fund to the Board of Trade, or as it directs; but no such Suspension shall relieve the said President and Governors, or any such Board of Trustees, from

from the Obligation of making any Payments, Transfers, Deliveries, Returns, Accounts, or Explanations which the Board of Trade is hereby authorized to require.

*Agency for  
managing the  
Fund.*

7. In any Case in which the Functions of the said President and Governors or of any of the Boards of Trustees of Outports are suspended as herein-before mentioned, the Board of Trade may, in its Discretion, either take into its own Hands the entire Management of that Portion of the Fund with reference to which such Functions are suspended, or, if there is a Local Marine Board at the Port willing to undertake the same, may commit the Functions of the said President and Governors or of such Board of Trustees, as the Case may be, or any Part of such Functions, to such Local Marine Board, and may at any subsequent Time, if it thinks fit, resume the same or any Part thereof.

*Their Functions in that Case may be undertaken by Board of Trade, or committed to Local Marine Board.*

8. At each Port the Shipping Masters appointed under the Mercantile Marine Act, 1850, or such of the said Shipping Masters, if more than One, as the Board of Trade directs, shall be the Receivers of such Contributions to the Fund from Masters and Seamen as may be payable under the Provisions herein-after contained; and in the Case of Shipping Masters appointed by a Local Marine Board constituted under the said last-mentioned Act, such Board may, with the Sanction of the Board of Trade, and in other Cases the Board of Trade may appoint any Clerks or Servants to assist the Shipping Masters in the Discharge of their Duties as Receivers; and the Board of Trade may sanction such Remuneration (if any) as it may deem necessary for the Discharge of such Duties.

*Shipping Masters appointed under the Mercantile Marine Act 13 & 14 Vict. c. 93. ss. 35, 42, 48. to act as Receivers.*

9. The several Persons now employed by the said President and Governors or by the said Boards of Trustees at Outports in any Duties other than the Collection of the Duties payable under the said Acts shall, unless the Board of Trade otherwise directs, be continued in such Employment, so far as the same may be requisite for the Purposes of this Act; but the Board of Trade may alter and regulate the Salaries or Remuneration to be paid to such Persons, and if it appears to such Board that their Services may be dispensed with, may dismiss them, and may in any Cases in which it appears to them just and proper so to do, grant to any Persons so dismissed, and also to any Persons now employed in the Collection of Duties, a fair and moderate Compensation for any Loss they may sustain by reason of this Act.

*Persons now employed in distributing Relief, &c. may be continued, with Power to Board of Trade to regulate Remuneration and to dismiss them.*

10. No new Officers or Servants shall be appointed to assist in the Administration of the Fund, and no Salaries or Remuneration shall

*No new Officer to be appointed*

420.

B

shall

- without Sanction of the Board of Trade. shall be granted or Expenses incurred without the Sanction of the Board of Trade.
- Board of Trade may require Security from all Officers employed. 11. The Board of Trade may require from all Persons employed in the Collection or Distribution of the Fund such Security for the Performance of their Duties as it may consider expedient. 5
- Salaries, &c. to be approved by Treasury. 12. All Salaries, Remunerations, and Compensations hereby authorized shall be first submitted to the Commissioners of Her Majesty's Treasury, for their Approval.
- Salaries, &c. to be paid out of General Fund. 13. All Salaries, Remunerations, and Wages payable to any Persons employed in the Administration of the Fund, and all Expenses incurred in respect thereof, shall be defrayed out of the General Fund herein-after mentioned, and all Disbursements on account of the Fund shall be made through the Hands of the Officers appointed for that Purpose, and shall not be made by any other Person or in any other Manner. 15
- IV.  
*Sources and Collection of Fund.*  
One General Fund to be formed. 14. All Monies and Property, whether real or personal, forming Part of or belonging to the Merchant Seamen's Fund or any Branch thereof, as well Capital Stock, Land, and Securities, as yearly Revenue and Cash, and all Monies arising from Contributions or otherwise accruing to the said Fund, shall form One General Fund for the Purpose of meeting the various Expenses hereby authorized. 20
- President and Governors and Trustees to apply Property belonging to Fund as Board of Trade directs. 15. Upon being required so to do by the Board of Trade, the President and Governors and the several Boards of Trustees at Outports shall pay and apply all Monies in their Possession or Power as Trustees of the Fund (except Monies held under Gifts for special or local Purposes) in such Manner as the Board of Trade directs for the Purpose of carrying into effect the Provisions of this Act, and as to all other Securities and Property, whether real or personal, in their Possession or Power as Trustees of the Fund (except Securities and Property held for such Purposes as aforesaid) shall, as and when the Board of Trade directs, either sell, call in, and convert the same into Money, and pay and apply the Proceeds as the Board of Trade directs for the Purpose aforesaid, or transfer the same to the Board of Trade, or retain the same in their present Condition or Investment for such Period as the Board of Trade directs, and shall, until such Payment and Transfer as aforesaid, hold all such Monies, Stock, Securities, and Property upon Trust for giving Effect to the Provisions of this Act, and shall apply the same in such Manner as the Board of Trade directs for the Purpose aforesaid. 35

16. If

16. If the President and Governors or any such Board of Trustees as aforesaid of the Fund have in their Possession or Power any Monies or other Property, either real or personal, held upon Trusts for special or local Purposes, they shall, so long as they continue  
5 to act as Administrators of the Fund, continue to administer such Trusts, and if they cease so to act shall, upon being required so to do by the Board of Trade, pay and transfer such last-mentioned Monies and Property to such new Trustees as the Board of Trade appoints for the Purpose; and whenever any subsequent Appointment  
10 of new Trustees of such Monies and Property, is rendered necessary by Death, Resignation, or otherwise, the Board of Trade shall make the same, and such Monies and Property shall be paid over and transferred to the new Trustees so appointed from Time to Time as Occasion requires; and all such new Trustees as aforesaid shall hold  
15 and administer all Monies and Property so paid and transferred upon the Trusts and for the Purposes upon and for which the same were originally given.

*Sources and Collection of Fund.*

Property held upon special Trusts to be retained or transferred to new Trustees, as the Case may require.

17. Immediately after the *passing of this Act*, or as soon as possible afterwards, the President and Governors and the several  
20 existing Boards of Trustees shall render to the Board of Trade such Account as it requires of all the Monies, Stocks, Securities, and Property, whether real or personal, in their respective Possession or Power as Trustees or Managers of the Fund, and shall distinguish such as are held for special or local Purposes from such as are  
25 applicable for the general Purposes of the Fund, and shall specify the Nature of such Trusts, and shall, if required, deliver to the said Commissioners all Documents relating to any of such Monies, Stock, Securities, and Property; and, notwithstanding anything herein contained, the said President and Governors and Boards of Trustees  
30 shall, until the Completion of the Transfers, Payments, Accounts, Returns, and Deliveries which are directed by this Act, or which the Board of Trade is hereby authorized to require, continue to have such Powers as may be necessary in order to effect the same.

President and Governors and Trustees to give Accounts

and deliver Documents;

and are to exist for the Purpose of Conveyance.

18. Every Payment and Transfer duly made as aforesaid shall be  
35 effectual in the Law, and shall relieve the Parties making the same from all Liability in respect of any subsequent Application of the Monies and Property so paid or transferred; but nothing herein contained shall operate to release any Person or Corporate Body from any Liability arising from any Breach of Trust previously committed  
40 by such Person or Body.

Payments, &c. to be valid, but not to operate as Release from Breach of Trust.

19. After the passing of this Act no Master or Seaman shall be compelled to pay any Duty or Contribution to the Fund.

No compulsory Contributions in future.

420.

20. No

Sources and  
Collection of  
Fund.

No one who  
has not con-  
tributed to be  
allowed to  
contribute.

Those who  
have con-  
tributed to  
be allowed to  
continue.

Time of  
Commence-  
ment of new  
System of  
Contribu-  
tions.

Rate and  
Mode of  
voluntary  
Contribution  
for Men dis-  
charged  
before a  
Shipping  
Master ac-  
cording to  
13 & 14 Vict.  
c. 93. s. 96.

Rate and  
Mode of  
voluntary  
Contribution  
for Men not  
discharged  
before a  
Shipping  
Master.

20. No Master or Seaman who has not contributed to the Fund before the passing of this Act shall be allowed to contribute thereto, or to establish any Claim for a Pension or other Relief for himself or for his Wife or Children.

21. All Masters and Seamen who before the passing of this Act 5 have contributed to the Fund shall be allowed to continue to contribute thereto in manner herein-after mentioned, and shall in respect of their Contributions be entitled to Relief in the Manner and subject to the Conditions herein-after mentioned.

22. The Board of Trade shall fix the Time at which the Con- 10 tributions to be made after the passing of this Act are to commence, and shall give not less than One Month's Notice thereof by advertising the same in the London Gazette; but such Time shall not be later than the First Day of January One thousand eight hundred and fifty-two. 15

23. In the Case of Masters who discharge their Crews before a Shipping Master under the Provisions of the Mercantile Marine Act, 1850, and of Seamen who are so discharged, such voluntary Contributions shall be as follows; (that is to say,) every Master shall pay *Two Shillings* and every Seaman *One Shilling* for each Calendar 20 Month of Service, and the same respective Sums for any further Number of Days of Service exceeding *Twenty*, and *One Half* of such respective Sums for any further Number of Service exceeding *Ten* and not exceeding *Twenty*, and *One Third* of such respective Sums for any further Number of Days not exceeding *Ten* (such 25 further Numbers of Days to be reckoned as *One Month*, *One Half Month*, and *One Third of a Month* respectively); and such Service shall in the Case of Masters and Seamen respectively be reckoned from the Day of their respectively signing the Agreement to the Day of their Discharge inclusive; and such voluntary Contributions shall be 30 paid to such Shipping Master as aforesaid at the Time of the Discharge.

24. In the Case of Masters and Seamen who do not attend before a Shipping Master for the Purpose of Discharge, such voluntary Contributions as aforesaid shall be paid after the Rate and in the 35 Manner following; that is to say, *Sixteen Shillings* shall be deemed to be the yearly Contribution for a Master and *Eight Shillings* the yearly Contribution for a Seaman, and so in proportion for any shorter Period, and such Sums shall be deemed to be payable quarterly in advance; and each Master and Seaman who wishes to 40 contribute shall from Time to Time attend before some Shipping Master

## Merchant Seamen's Fund.

Master at stated Periods to be appointed for the Purpose by the Board of Trade, and shall then pay to him such Proportion of his yearly Contribution as he may think fit, so nevertheless that each such Payment made at One Time be either *Two Shillings* or some  
5 Multiple of *Two Shillings*.

*Sources and  
Collection of  
Fund.*  
—

25. *The Commissioners of Her Majesty's Treasury shall from Time to Time pay towards the Fund out of the Public Monies such Sums as may be necessary, in addition to the other Sources of the Fund, to satisfy the Expenditure hereby authorized ; and the Board*  
10 *of Trade, with the Consent of the said Commissioners, may from Time to Time regulate the Proportions in which the Deficiency of annual Income is to be made good out of the Capital of the Fund and out of the Public Monies respectively.*

*Commis-  
sioners of the  
Treasury to  
make up any  
Deficiencies  
out of the  
Public  
Monies.*

26. Whenever any Seaman or Apprentice belonging to any  
15 British Ship proceeding upon a Voyage which is finally to terminate in the United Kingdom dies during such Voyage, the Master shall take charge of his Money or other imperishable or unsaleable Effects on board, and shall as soon as convenient cause his Clothes and other perishable or saleable Effects on board to be sold on board by  
20 Auction at the Mast or other public Auction, and shall at the Time make an Entry of such Sale in the Official Log Book, stating therein the Date, the Articles sold, and the Sum received for each, and shall cause such Entry to be attested by a Mate or One of the Crew, and shall, in the Case of a Foreign-going Ship, upon attending before a  
25 Shipping Master for the Discharge of his Crew, and in the Case of a Home-trade Ship, upon his first subsequent Attendance before a Shipping Master under the Provision in the Mercantile Marine Act, 1850, in that Behalf contained, deliver any Effects which he has taken charge of, and pay any Money which he has either taken  
30 charge of or received from such Sale as aforesaid, and also the Balance of Wages due to the Seaman or Apprentice at his Death, to such Shipping Master, and shall give to the Board of Trade or to such Shipping Master such Account as they require of such Effects, Money, and Wages.

*V.  
Wages  
and Effects of  
deceased Seamen.*  
—

*Masters to  
take charge  
of or sell  
Effects of  
Seamen  
dying on  
board, and to  
remit them  
to the Board  
of Trade.*

*13 & 14 Vict.  
c. 93. ss. 51.  
90.*

35 27. If any Master fails to take such Charge of the Money or other Effects of a Seaman or Apprentice dying on board, or to make such Sale thereof, or to make such Entries in respect of such Sale, or to procure such Attestation to such Entries, or to make such Payment or Delivery of any Money, Wages, or Effects of any  
40 Seaman or Apprentice dying on board, or to give such Account in respect thereof, as are herein-before respectively directed, he shall

*Penalties for  
not taking  
charge of,  
selling, re-  
mitting, or  
accounting  
for such  
Monies and  
Effects.*

420.

C

be



*Wages  
and Effects of  
deceased Seamen*

be accountable for the Money, Wages, and Effects of the Seaman or Apprentice to the Board of Trade, which may by itself or any Agent recover the same; and such Master shall also for every such Offence be liable to a Penalty not exceeding double the Value of the Money or Effects not accounted for, or, if such Value is not ascer- 5  
tained, not exceeding Fifty Pounds.

*Provision for  
Payment of  
such Wages  
and Effects  
until due  
Notice can  
be given of  
the foregoing  
Provisions,  
and until the  
new Re-  
ceivers un-  
dertake their  
Duties.*

28. Provided that in the case of Voyages commenced before the First Day of October One thousand eight hundred and fifty-one no Master who complies with the Provisions relating to the Effects and Wages of Seamen dying on board or abroad contained in the said 10  
repealed Thirtieth Section of the Act of the Fourth and Fifth Years of the Reign of King William the Fourth, Chapter Fifty-two, and in the said repealed Thirty-first Section of the Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and twelve, and who pays and delivers the Monies and 15  
Effects which are by him payable or deliverable thereunder to any Person appointed to receive such Wages and Effects by or in pursuance of this Act, shall be liable to any Suit or Penalty by reason of his Noncompliance with any new Provisions herein-before contained relating to such Wages or Effects: Provided also, that until the Time 20  
at which the Shipping Masters appointed under the Mercantile Marine Act 1850, first undertake the Duties of receiving Contributions to the Fund as herein-before provided, all Wages and Effects of deceased Seamen which under the said recited Acts or this Act may be payable to the said President and Governors, or any Board of 25  
Trustees, or to the Board of Trade, shall be paid and delivered to the Persons now acting as Receivers of the said Fund, or to such other Persons as the Board of Trade appoints for the Purpose, and shall be by them applied in the Manner herein directed with respect to Wages and Effects payable or deliverable hereunder. 30

*Schedules  
C. and D. to  
7 & 8 Vict.  
c. 112. to  
be made to  
contain the  
Particulars  
necessary to  
show the  
Amount of  
Wages, &c.  
of deceased  
Seamen.*

29. After the *Thirty-first Day of December One thousand eight hundred and fifty-one* the Lists or Schedules marked respectively C. and D., which by the General Merchant Seamen's Act and by the Mercantile Marine Act 1850, Masters or Owners are required to deliver as therein mentioned, shall contain, in addition to the 35  
Particulars required by the Acts aforesaid or either of them, the following Particulars; (that is to say,)

1. The Time, Place, and Cause of Death of any of the Crew who may have died:
2. The Wages due to any of the Crew who may have died at the 40  
Time of Death:
3. The

3. The Clothes or other Effects belonging to any of the Crew who may have died, with a Statement of the Manner in which they have been dealt with, and the Money for which any of them have been sold : *Wages and Effects of deceased Seamen.*
- 5 And the Board of Trade may, notwithstanding any Provision to the contrary in the Mercantile Marine Act 1850 contained, issue new Forms of the said Lists or Schedules containing such additional Particulars and otherwise altered as may be found expedient, on giving *One Month's* Notice thereof by circulating the same amongst the 13 & 14 Vict. c. 93. ss. 20, 21.
- 10 Local Marine Boards.
30. If any such Seaman or Apprentice as aforesaid dies abroad leaving any Money or Effects not on board his Ship, the Chief Officer of the Customs at the Place if in Her Majesty's Dominions, and Her Majesty's Consul or Vice Consul at or nearest the Place if Consuls, &c. to remit Effects of Seamen dying abroad on shore.
- 15 not in Her Majesty's Dominions, shall claim and take charge of all such Money and Effects, and shall, if he thinks fit, sell such Effects, and shall remit the Balance, after deducting Expenses, with a full Account of such Money and Effects, to the Board of Trade, or as it directs.
- 20 31. Whenever any Seaman or Apprentice dies in the United Kingdom, and is at the Time of his Death entitled to claim from the Master or Owner of any Ship in which he has served any unpaid Wages or Effects not exceeding in Value Fifty Pounds, such Master or Owner shall, if required by the Board of Trade so to Wages and Effects of Seamen dying at home to be paid to the Board of Trade.
- 25 do, pay and deliver or account for the same to the Shipping Master at the Port where the Seaman or Apprentice was or was to have been discharged, or to the Board of Trade or some One of its authorized Agents.
32. If the Money and Effects of any deceased Seaman or Appren- If less than 50l. they may be paid without Probate or Administration to Person entitled to them ;
- 30 tice paid, delivered, or remitted to the Board of Trade or its Agents do not exceed in Value the Sum of *Fifty Pounds* they shall, after deducting Expenses, direct Payment and Delivery thereof to any Claimants who can prove themselves to the Satisfaction of the said Board to be either his Widow or Children, or entitled to his Effects
- 35 under the Statutes for the Distribution of the Effects of Intestates, or to be entitled to procure Probate or take out Letters of Administration, although no Probate or Letters of Administration have been taken out, and the same shall be paid or delivered to such Claimants accordingly, and shall be applied by them in due Course of Administration ; and if such Money and Effects exceed in Value the Sum if more, to personal Representatives.
- 40 of *Fifty Pounds*, the same shall be paid and delivered to the legal personal Representatives of such Seaman or Apprentice.
420. 33. If

*Wages  
and Effects of  
deceased Seamen.*

—  
If unclaimed  
for Three  
Years, to go  
to the Sea-  
men's Fund,  
and when  
that is wound  
up, according  
to 13 & 14  
Vict. c. 93.  
ss. 117, 118.

33. If no Claim for any such Money or Effects as aforesaid is made by any Person proving himself entitled to make the same, within *Three* Years from the First Payment or Delivery thereof to the Board of Trade or to a Shipping Master or other Agent of the said Board, such Money and the Sums received from the Sale of 5 such Effects shall, subject to Deduction for Expenses, be appropriated to the Purposes of the Fund so long as any Money is needed for such Purposes, and afterwards to the same Purposes to which the Monies arising under the Mercantile Marine Act 1850 are by the One hundred and seventeenth and One hundred and eighteenth Sec- 10 tions of that Act directed to be appropriated; and if at any subsequent Time a valid Claim thereto is substantiated, the Board of Trade shall satisfy the same out of any Money in their Hands arising from similar Sources.

Unclaimed  
Deposits of  
Seamen in  
Savings  
Banks may  
be paid to  
the Board of  
Trade, and  
applied in  
same  
Manner.

34. If any Deposit made by any Seaman or Apprentice in any 15 Savings Bank appropriated to Seamen remains unclaimed for a Period of Seven Years, the Managers of such Savings Bank may pay the same and all Interest thereon to the Board of Trade, and they shall thereupon give a Receipt therefor, which shall discharge such Managers and all other Persons connected with such Savings Banks from all 20 Liability in respect thereof; and the Board of Trade shall apply such Deposit and Interest to the several Purposes mentioned in the Section of this Act lastly herein-before contained, and if at any subsequent Time any valid Claim to such Deposit is substantiated, they shall satisfy the same out of any Monies then in their Hands arising from 25 similar Sources.

VI.  
*Objects of  
Relief.*

—  
Time of  
Commence-  
ment of new  
System of  
Pensions.

35. The Board of Trade shall fix a Time at which Grants of Pensions to be made in pursuance of this Act are to commence, and shall give not less than *One Month's* Notice thereof by advertising the same in the London Gazette; but such Time shall not be later 30 than the *First Day of January One thousand eight hundred and fifty-two*.

Until then  
Pensions  
may be  
granted as  
heretofore.

Aggregate  
Pensions  
at each  
Port not to  
exceed those  
of preceding  
Years.

36. Until such Time as last aforesaid the said President and Governors and Boards of Trustees may continue to grant Relief in the Manner directed by the said recited Acts; but the aggregate 35 Pensions granted at any Port during the Year ending with such Time as last aforesaid shall not exceed in annual Amount or in total Value the aggregate Pensions granted at such Port in the preceding Twelve Months, and any Grants of Pensions made after such Amount or Value has been reached shall be void. 40

37. Subject

37. Subject to the Provision lastly herein-before contained, every Person, of whatever Age or Sex, to whom any Pension is duly granted before such Time as last aforesaid, shall continue to receive such Pension.

*Objects of Relief.*

Present Pensions not to be diminished.

5 38. After the Time last aforesaid no Pensions shall be granted, except to Masters and Seamen, or to the Widows and Children of Masters and Seamen, who have contributed to the Fund for an aggregate Period of Sixty Months, such Contributions to have been made either altogether before the passing of this Act in the Manner  
10 directed by the said recited Acts, or partly before that Time in such Manner as last aforesaid, and partly after the Time to be fixed for the Commencement of future Contributions in the Manner herein-before provided in that Behalf.

No Seamen to earn Pensions unless they contribute for Five Years.

39. Any Seaman who after the Time to be fixed for the Com-  
15 mencement of future Contributions, and before finally quitting Service at Sea, fails to contribute for a continuous Period of *Two* Years, shall forfeit all Claim to any Relief for himself, his Widow and Children.

Failure to contribute for Two Years to be an Abandonment of Right to Relief.

40. Subject as herein-before provided, such Pensions and Allow-  
20 ances as herein-after mentioned may be granted to any Master or Seaman who is rendered incapable of Service by Sickness, Wounds, or other accidental Misfortunes, or who becomes decrepit or worn out by Age; and also to the Widow and Children of any Master or Seaman who is killed or drowned in the Merchant Service; and  
25 also to the Widow and Children of any Master or Seaman who has contributed for Twenty-one Years to the Fund, or who is at the Time of his Death receiving or entitled to receive a Pension; provided, in the Case of such last-mentioned Widow, that she was married to such Master or Seaman before he became entitled to  
30 Relief, and, in the Case of such last-mentioned Children, that they are under the Age of *Fourteen* Years, or are from Infirmary incapable of getting a Livelihood.

Persons who are to be entitled to Pensions.

41. The Board of Trade shall take such Steps as it may think necessary for the Purpose of collecting from the various Rates of  
35 Pension granted at the several Ports in the United Kingdom during the *Five* Years preceding the passing of this Act One average Rate of Pension for Masters, Seamen, Widows, and Children respectively, and shall frame and issue One uniform Scale of Pensions to be, so far as possible, in accordance with such average Rate, and to be  
40 uniform for all Ports in the United Kingdom; and all Grants of Pensions made after the Time to be fixed as aforesaid for commencing

Pensions to be on One uniform Scale according to average Rate of present Pensions.

*Objects of Relief.*  
—

Grants of Pensions to be made in pursuance of this Act, shall be in conformity with such Scale as the Board of Trade shall issue for that Purpose.

Masters Pensions to be twice the Rate of Seamen's Pensions.

42. The Rate of Pensions for Masters, and for the Widows and Children of Masters, shall be twice the Amount of Pensions for Seamen, and for the Widows and Children of Seamen respectively.

In the Case of Widows and Children, Gratuities may be substituted for Pensions.

43. Provided, That in any Case or Class of Cases in which it appears to the Board of Trade desirable so to do, such Board may, as regards Relief to Widows and Children, substitute Gratuities for annual Pensions, such Gratuities to bear a fair Proportion to the 10 annual Pension which would otherwise have been granted.

Aggregate Number of Pensions in each Port not to exceed Average of last Five Years.

44. The aggregate Number of Pensions or Gratuities to be granted at any Port to Masters, Seamen, Widows, and Children respectively in any One Year shall not exceed the average yearly Number of Pensions granted at such Port to the same Classes of Pensioners respectively during the Five Years preceding the passing of this Act; and in granting Pensions, Care shall be taken that of Seamen who are worn out or decrepit by Age those who have been longest in the Service, and have contributed most to the Fund, shall be first provided for.

Those who have contributed longest to be first provided for.

Pensions to be inalienable.

45. All Acts done by any Master or Seaman for the Purpose of 20 charging or alienating the whole or any Part of his Pension shall be absolutely null and void.

Board of Trade may make Regulations for carrying the foregoing Provisions into effect.

46. The Board of Trade may make general Regulations for granting Pensions, so nevertheless that such Regulations be consistent with the express Provisions herein contained, and, so far as 25 Circumstances will admit, be uniform for and apply equally to all Ports in the United Kingdom; and the said President and Governors, and all Boards of Trustees, or other local Administrators of the Fund, shall exercise any Powers of granting Pensions or other Relief which may be vested in them in accordance with such Regulations. 30

Payment to Seamen's Hospital Society for Seven Years.  
4 & 5 W. 4.  
c. 52. s. 32.

47. For the Period of *Seven* Years from the last Day before the passing of this Act on which any quarterly Payment has been made to the "Seamen's Hospital Society," in pursuance of the Thirty-second Section of the said Act of the Fourth and Fifth Years of the Reign of King William the Fourth, Chapter Fifty-two, the Board 35 of Trade may, out of the Revenues of the Fund, pay to the said Society an annual Sum, not exceeding in any One Year *Five hundred and fifty Pounds*, to be applied by the said Society according to the

the Directions contained in the Act of the Third and Fourth Years of the Reign of King William the Fourth, Chapter Nine.

3 & 4 W. 4.  
c. 9.

48. In London and in the Outports under the Management of the said President and Governors, such President and Governors, unless suspended as herein-before mentioned, and their Officers, shall undertake the Duty of ascertaining the Persons who, under the Provisions herein-before contained, or any Regulations made in pursuance thereof, are entitled to Relief, and of paying the same; and in Outports having Boards of Trustees, such Trustees and their Officers, unless suspended as aforesaid, shall undertake such Duty; and in case of any such Suspension as aforesaid the Local Marine Board of the Port, if appointed to act in administering the Fund under the Powers herein-before contained, or such Persons as the Board of Trade may appoint for that Purpose, shall undertake such Duty; and if in any Case it appears to the Board of Trade that any Pension or other Relief is granted or refused in a Manner inconsistent with the Provisions of this Act, or with any Regulations issued by virtue of Powers herein contained, the Board of Trade may disallow such Grant or Refusal, and either withhold, grant, or alter the Relief, as the Case may require.

VII.  
Mode of  
Distribution.  
—  
President  
and Gover-  
nors and  
Trustees,  
unless sus-  
pended, to  
distribute  
Relief.

49. The Board of Trade may make Regulations as to the Times and Places at which and the Manner in which Applications for Relief are to be made, and as to the Evidence to be required, and may also, subject to the express Provisions herein contained, make Regulations as to the Time, Place, and Manner of distributing Relief.

Board of  
Trade to  
make Regu-  
lations as to  
Applications  
for Pensions.

50. Every Person who, for the Purpose of obtaining, either for himself or for another, any Pension, Payment, or Relief from the Fund, fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any Certificate or other Document purporting to show or assist in showing a Right to such Pension, Payment, or Relief, and every Person who for the Purpose aforesaid fraudulently makes use of any forged or altered Certificate or other such Document as aforesaid, or any Certificate or other such Document as aforesaid not belonging to him, or who for the Purpose aforesaid gives or procures to be given, or assists in giving or procuring to be given, any false Evidence, knowing the same to be false, shall be punishable with Transportation for Seven Years, or, if the Board of Trade so directs, may be summarily prosecuted and convicted before a Justice, and punished by Imprisonment for a Period not exceeding Six Months, with or without Hard Labour.

Punishment  
for Forgery  
and Person-  
ation.

VIII.  
Accounts,  
and Returns.

Board of  
Trade may  
open Ac-  
count with  
Bank.

All Persons  
engaged in  
administer-  
ing the Funds  
to make  
Returns to  
the Board of  
Trade.

General Re-  
turn to be  
made, and  
laid before  
Parliament.

51. The Board of Trade may open such Account with the Bank of England for the Purposes of this Act as it may find expedient.

52. The President and Governors and all Boards of Trustees or other Persons engaged in the Administration of the Fund shall keep 5 their Accounts in such Manner as the Board of Trade directs, and shall also from Time to Time give to the Board of Trade such Returns and Accounts, and Explanations in respect of all Matters relating to the Fund, whether past, present, or future, as it may require. 10

53. On or before the *First Day of February* in every Year after the Year One thousand eight hundred and fifty-two the Board of Trade shall cause to be made out a Report for the past Year, in such Form as they may think fit, containing the following Particulars : 15

1. The total Amount of Receipts and Disbursements for the Year under their several Heads :
2. The total Amount of Money in hand at the End of the preceding Year, including the Balance at the Bank of England, and any Sums which may be outstanding in the Hands of 20 Receivers :
3. The total Amount of the Capital belonging to the Fund, with the several Investments thereof, distinguishing such Capital as is still outstanding, and such Debts and Investments as are considered bad or doubtful : 25
4. The Number of Pensioners, distinguishing between Men, Women, and Children, and between different Scales of Pension, and the total Amount of Pensions in each Class :
5. The Number and Amount of the whole of the Pensions, and of each Class of Pensions, granted in the Year : 30
6. The Number and Amount of the whole of the Pensions, and of each Class of Pensions, expired in the Year :
7. The Amount of Salaries and Expenses of Management :
8. A Statement of the Money and Securities applicable to private Trusts, with a general Account of the Nature of the Trusts, 35 and of the Income and Expenditure in respect thereof :

And such other Particulars as the Board of Trade may deem expedient :

And such Report shall be laid before each House of Parliament in the Month of February in every Year, if Parliament is then sitting, 40 or if not within *One Month* after the next meeting thereof.

54. All

54. All Notices published in the London Gazette, and purporting to be Notices or Copies of any Orders or Regulations issued by the Board of Trade in pursuance of this Act, shall be taken as Evidence of such Orders or Regulations, without further Proof.

IX.  
*Legal Proceedings.*  
—  
Orders, &c.  
published in  
Gazette to be  
Evidence.

5 55. All Penalties and other Sums of Money hereby made recover-  
able may be recovered in the same Manner as Penalties and Sums of  
Money recoverable under the Mercantile Marine Act, 1850, and shall  
be paid to the Board of Trade, for the Purposes of the Fund;  
and all Rules of Law, Practice, and Evidence which are by the said  
10 Mercantile Marine Act, 1850, made applicable to legal Proceedings  
thereunder, shall be applicable to Proceedings under this Act.

Procedure to  
be same as  
under Mer-  
cantile Ma-  
rine Act.



# Merchant Seamen's Fund.

A

## B I L L

To amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime.

(Prepared and brought in by  
*Mr. Labouchere, Sir Francis Baring, and  
Mr. Cornwall Lewis.*)

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*Ordered, by The House of Commons, to be Printed,  
20 June 1851.*

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420.

*Under 3 oz.*

# Metropolis Buildings Bill.

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## SUMMARY OF CLAUSES.

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20 February 1851. 14 VICT.



A

# B I L L

TO

Amend the Act for regulating the Construction  
and the Use of Buildings in the Metropolis  
and its Neighbourhood.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS the Provisions of a certain Act of the Seventh  
and Eighth Years of the Reign of Her present Majesty,  
Chapter Eighty-four, intituled “ An Act for regulating 7 & 8 Vict.  
“ the Construction and Use of Buildings in the Metropolis and its c. 84.  
5 “ Neighbourhood,” and of a certain other Act of the Ninth Year of  
the Reign of Her present Majesty, Chapter Five, intituled “ An Act 9 & 10 Vict.  
“ to amend an Act for regulating the Construction and the Use of c. 5.  
“ Buildings in the Metropolis and its Neighbourhood,” have been  
found insufficient for the Objects for which they were designed, and  
10 it is expedient to repeal the said Acts, and to make other Provisions  
in lieu thereof, for more effectually securing the proper Construction  
of Buildings, in reference to the Stability thereof, and to the Security  
thereof against Fire originating either therein or in Buildings or Pre-  
mises adjoining thereto or in the Vicinity thereof, and in reference to  
15 the Safety and Health of Persons residing or being therein or in the  
Neighbourhood thereof, and also to provide other and more effectual  
Means for administering the Law relating to Metropolitan Buildings,  
and for the Determination of Questions and Disputes respecting the  
69. A Construction

Statutes  
repealed.

Construction and Uses of Buildings, the Right to Easements, and other Matters of like Nature : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the 5 both the said Acts shall be and the same are hereby repealed : Provided, that nothing in this Act contained shall prevent or in any way affect the taking or prosecuting of any Proceedings by the said Acts or either of them authorized in respect of any Matter or Thing done contrary to the said Acts or 10 either of them on or before the said or the Recovery or Estreatment of any Penalty incurred or Recognizance entered into under the said Acts or either of them, or the Recovery of any Fees or other Sum or Sums of Money due or recoverable under the Provisions of the said Acts or either of them ; 15 and that on the said this Act shall come into operation : Provided also, that so much of the Act of the Fourteenth Year of King George the Third, Chapter Seventy-eight, as was left unrepealed by and excepted from the Operation of the recited Act of the Seventh and Eighth Years of Her present 20 Majesty, Chapter Eighty-four, that is to say, the Sections numbered respectively Seventy-four, Seventy-five, Seventy-six, Seventy-seven, Seventy-eight, Eighty, Eighty-one, Eighty-two, Eighty-three, Eighty-four, Eighty-five, Eighty-six, in the said Act of the Fourteenth Year of George the Third, Chapter Seventy-eight, shall continue in full 25 Force and Effect, notwithstanding anything in this Act contained.

And for declaring the Sense and Construction of certain Terms and Expressions used in this Act,

Construction  
of Terms.

II. The following Words and Expressions used herein are intended to have the Meanings and Applications hereby assigned to them 30 respectively, so far as such Meanings or Applications are not excluded by the Context or by the Nature of the Subject Matter ; that is to say,

" Building : "

The Word " Building " shall apply to and include all Buildings and Erections whatsoever, whether now built or hereafter to be 35 built, and of whatever Materials constructed, and whether fixed on permanent Foundations or not, and for whatever Purpose the same may be used or intended to be used, and also all Bridges, Piers, Jetties, Embankment Walls, Retaining Walls, Wharf or Quay Walls, and other Structures to which any of the Provi- 40 sions, Rules, or Directions of this Act may be applicable :

" Public  
Building : "

The Words " Public Building " shall apply to and include every Building occupied or used or intended to be occupied or used either wholly or in part as a Church, Chapel, or other Place of public Worship, College, Hall, Hospital, Theatre, public Con- 45 cert

- cert Room, public Ball Room, public Lecture Room, public Exhibition Room, and also to every Building which shall contain any Room exceeding Ten Squares in Area which shall be used or intended to be used, permanently or temporarily, as a Room for
- 5 the Assemblage of Persons in large Numbers for any Purpose whatsoever, and also Bridges, Piers, Jetties, Embankment Walls, Retaining Walls, Wharf or Quay Walls, or other such Structures upon, under, or to which the Public shall have or be intended to have Access :
- 10 The Words "Private Building" shall apply to and include every Building not being a Public Building as aforesaid : "Private Building :"  
The Word "Premises" shall apply to any Messuage, Building, "Premises :"  
Ground, Land, Tenement, or corporeal Hereditament whatsoever :
- 15 The Word "irregular" shall mean contrary to any of the Provisions, Rules, and Directions of this Act, or the Schedules annexed thereto : "Irregular :"  
The Word "Irregularity" shall apply to and mean any Work or Operation contrary to any of the Provisions, Rules, and Directions of this Act, or the Schedules annexed thereto : "Irregularity :"
- 20 The Word "Party Wall" shall apply to every Wall used, or built in order to be used, as a Separation of any Building from any other Building with a view to the same being occupied by different Persons, and also to any Wall of a Building which shall stand upon Ground not wholly belonging to the same Owner, or not wholly in the same Occupation to a greater Extent than the Projection of its Footing on one Side : "Party Wall :"
- 25 The Words "External Wall" shall apply to every outer Wall or vertical Inclosure of any Building not being a Party Wall : "External Wall :"
- 30 The Words "Party Fence Wall" shall apply to any Wall not having Buildings on either Side thereof which shall stand upon Ground not wholly belonging to the same Owner, or not wholly in the same Occupation to a greater Extent than the Projection of the Footing thereof on one Side : "Party Fence Wall :"
- 35 The Words "Party Structure" shall apply to and include Party Walls, Party Fence Walls, and also Partitions, Arches, Floors, and other Structures separating Buildings, Stories, or Rooms which shall belong to different Owners, or which shall be approached by distinct Staircases or separate Entrances from without : "Party Structure :"
- 40 The Word "Street" shall include every Street, Square, Circus, Crescent, Road, Place, Row, Mews, Lane, or other Place along which Carriages can pass or are intended to pass, whether such Place be or be not under the Jurisdiction of any Commissioners of Pavements "Street :"
- 69.



- Pavements or other local or public Authority, and whether there be or be not any Footway in addition to the Carriageway :
- " Alley :"** The Word " Alley " shall include every Alley, Court, Passage, or other Place which can be used as a Footway only, whether such Place be or be not under the Jurisdiction of any Commissioners 5 of Pavements or other local or public Authority :
- " Owner :"** The Word " Owner " shall apply to every Person having legal Possession of any Premises, otherwise than as a Tenant from Year to Year or for any less Term, or as a Tenant at Will, or if the Premises be in the Occupation of a Tenant from Year to 10 Year or for a less Term, or of a Tenant at Will, then to any Person entitled to the immediate Reversion of such Premises :
- " Occupier :"** The Word " Occupier " shall apply to any Person (other than an Owner as above defined) in the Occupation of any Premises :
- " Builder :"** The Word " Builder " shall apply to and include the Master Builder 15 or other Person employed to execute or who shall actually execute any Work or Operation upon any Building, and also the Owner, Occupier, or other Person by whose Order or for whom such Work or Operation is done or to be done :
- " Commis-  
sioners of  
the Treas-  
ury :"** The Words " the Commissioners of the Treasury " shall mean the 20 Lord High Treasurer or the Commissioners of Her Majesty's Treasury of Great Britain and Ireland for the Time being :
- " Commis-  
sioners of  
Works and  
Buildings :"** The Words " the Commissioners of Works and Buildings " shall mean the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings : 25
- " Lord Mayor  
and Alder-  
men :"** The Words " the Lord Mayor and Aldermen of the City of London " shall extend to the Court of Mayor and Aldermen to be holden in the outer Chamber of the Guildhall according to the Custom of the said City :
- " Justice of  
the Peace :"** The Words " Justice of the Peace " shall mean a Justice of the 30 Peace for the County, Division, or Liberty within which the Building or other Subject Matter, or any Part thereof, is situate, unless it be situate within the City of London or the Liberties thereof, in which Case any Matter or Thing elsewhere required or authorized to be done either by One or by Two or more 35 Justices of the Peace may be done either by the Lord Mayor of the City of London or by any One, Two, or more Justices of the Peace for the said City, or unless the Subject Matter be situate within the District of any Police Court of the Metropolis, in which Case any Matter or Thing otherwise required or autho- 40 rized to be done by Two or more Justices may be done by One Police Magistrate :
- Names of  
Officers  
having local  
Jurisdiction :** And generally whensoever the Name of an Officer having local Jurisdiction in respect of his Office is referred to, without Men- tion of any Locality, such Reference shall apply to the Officer 45 having

having Jurisdiction in that Locality within which is situate the Building or other Subject Matter, or any Part thereof, to which such Reference applies :

5 The Word "Parish" shall include all parochial Districts and "Parish:"  
extra-parochial Places in which separate Churchwardens, Overseers, or Constables are appointed, and where Two Parishes have been united for ecclesiastical Purposes then it shall include such united Parishes :

The Word "Month" shall mean a Calendar Month :

"Month:"

10 And, subject as aforesaid to the Context, and to the Nature of the Subject Matter, Words importing the Singular Number shall include the Plural, and Words importing the Plural shall include the Singular, and Words importing the Masculine Gender shall include Females, and Words importing an Individual shall include Corporations, Companies, or Partnerships, and any other Bodies of Persons.

Singular and Plural :

Masculine and Feminine :

Individual and Bodies of Persons.

And for declaring and defining the local Limits of this Act, be it enacted,

20 III. That the Operation of this Act shall extend to all Places within the following Limits ; (that is to say,) Local Limits of Act.

To the following Parishes, Parts, and Places lying or situate upon the North Side (or Left Bank) of the River Thames ; namely, the Parishes of Fulham, Hammersmith, Kensington, Paddington, Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford-le-Bow, Bromley, and Poplar, and all the Space, Parishes, Parts, and Places which lie or are situate between any Part of the said Parishes and the said River :

And also such Part of the Parish of Chelsea as lies North of the said Parish of Kensington :

30 And the following Parishes, Parts, and Places lying or situate upon the South Side (or Right Bank) of the River Thames ; namely, the Parishes of Woolwich, Charlton, Greenwich, Deptford, Lea, Lewisham, Camberwell, Lambeth, Streatham, Tooting, and Wandsworth, and all the Space, Parishes, Parts, and Places which lie or are situate between any Part of the Parishes last aforesaid and the said River :

40 And also all Parts and Places which lie or are situate within Two hundred Yards from the exterior Boundary of the Limits above defined, except the Eastern Part of the said Boundary which is formed by the River Lea.

And for regulating the Construction, Use, and Maintenance of Buildings within the local Limits of this Act, be it enacted, Regulation of Buildings, &c.

IV. That for the Purposes of this Act every Building (except Bridges, Embankment Walls, and other such Structures,) shall be assigned Buildings to be rated.

assigned to and shall belong to One of the several Rates specified in Schedule (A.) to this Act annexed, according to the Rules and Directions in such Schedule contained for ascertaining the Rates of Buildings :

Buildings  
and Works  
to conform  
to Rules.

And every Building and every Part thereof to which any of the 5 Rules and Directions of this Act shall be applicable shall be built and rebuilt, and every Addition, Alteration, or other Work or Operation whatsoever in or upon any such Building shall be executed of the Materials and in the Manner specified in, and in every other respect in conformity with, the several Rules and Directions contained 10 in the several Schedules (B.), (C.), (D.), (E.), (F.), (G.), (H.), (I.), (K.), and (L.), to this Act annexed, according to the Rate to which such Building shall belong :

And every such Building shall be used, occupied, maintained, and upheld according to the several Rules and Directions in such Schedules 15 contained.

Certain  
Buildings to  
be exempt  
from the  
Rules or  
some of  
them.

V. Provided always, That the several privileged Buildings mentioned in Schedule (L.) to this Act annexed shall be subject, so long as the same shall be used for the respective Purposes and remain of the respective Characters in the said Schedule mentioned, to the 20 Rules and Directions of this Act only to the Extent set forth in the said Schedule with regard to the same respectively.

Court of  
Metropolitan  
Buildings  
to be constituted  
and  
Judge appointed.

VI. And for the Purpose of constituting a Court for the Adjudication of Questions and Disputes arising under this Act, and for executing and enforcing the Provisions of the same, be it enacted, 25 That Her Majesty's Principal Secretary of State for the Home Department shall appoint a competent Person, being a Barrister of not less than *Seven* Years standing, to be and who shall be called the Judge of the Court of Metropolitan Buildings under this Act; and the said Secretary of State is hereby empowered to remove any 30 such Judge for Inability or Misbehaviour, and from Time to Time, in case of such Removal, or of the Death or Resignation of any such Judge, to appoint another Person, being a Barrister of not less than *Seven* Years standing, to such Office.

Powers to  
appoint  
Deputy  
Judge.

VII. It shall be lawful for the said Secretary of State, from 35 Time to Time, in case of the Illness or unavoidable Absence of the Judge, to appoint some other Person who shall be a Barrister of not less than *Seven* Years standing to act as the Deputy of such Judge; and it shall also be lawful for the Judge, with the Approval of the said Secretary of State, to appoint a Deputy, 40 being such Barrister as aforesaid, to act for him, for any Time or Times

Times not exceeding in the whole *Two Months* in any consecutive Period of *Twelve Months*; and in each of the Cases aforesaid the Deputy so appointed, during the Time for which he shall be so appointed, shall have all the Powers and Privileges and perform all  
 5 the Duties of the Judge for whom he shall have been appointed; provided, that the Remuneration to be paid to such Deputy Judge shall be paid out of the Salary of the Judge for the Time being, or otherwise as the Commissioners of Her Majesty's Treasury shall think proper.

- 10 VIII. The said Judge shall hold his Court in such Place within the Limits of this Act as the said Commissioners shall appoint and provide for that Purpose; and such Court shall be a Court of Record, and the Sittings of such Court shall take place at such Times and Intervals as the said Commissioners shall from Time to Time  
 15 appoint and declare; and any Sitting of the Court, or any Proceedings therein, may be continued from Time to Time by Adjournment, at the Discretion of the Judge.

Court of  
Metropoli-  
tan Buildings  
to be a Court  
of Record.

Courts,  
where and  
how to be  
held.

- IX. If any Person shall wilfully insult the Judge or any Clerk or Officer of the said Court for the Time being during his Sitting or  
 20 Attendance in Court, or in going to or returning from the Court, or shall wilfully interrupt the Proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the Assistance of any other Person, by the Order of the Judge, to take such Offender into Custody, and  
 25 detain him until the rising of the Court; and the Judge shall be empowered, if he shall think fit, by a Warrant under his Hand, and sealed with the Seal of the Court, to commit any such Offender to the Common Gaol or House of Correction for any Time not exceeding *Seven Days*, or to impose upon any such Offender a Fine not  
 30 exceeding *Five Pounds* for every such Offence, and in default of Payment thereof to commit the Offender to any such Prison as aforesaid for any Time not exceeding *Seven Days*, unless the said Fine be sooner paid.

Power to  
commit for  
Contempt.

- X. The said Commissioners shall cause a Seal to be made, which  
 35 shall be the Seal of the Court of Metropolitan Buildings, and all Summonses and other Process issuing out of the said Court, and all Copies of Orders, Judgments, or Certificates of the said Court, which shall be issued by the Clerk of the Court, shall be sealed or stamped with such Seal, and every Summons, Warrant, Order, Judgment,  
 40 Certificate, or other Document purporting to be so sealed or stamped shall be deemed and taken to have been made and issued by the Authority of the said Court, without further Evidence of the Validity thereof;

Court to  
have a Seal.

thereof; provided, that any Person who shall forge the Seal or any Process of the Court, or who shall serve or enforce any such forged Process or other Document, knowing the same to be forged, or who shall act or profess to act under any false Colour or Pretence of the Process of the said Court, shall be guilty of Felony. 5

Clerk of Metropolitan Buildings Court to be appointed.

XI. It shall be lawful for the said Secretary of State to appoint a fit and proper Person to be the Clerk of the said Court, and in case of Inability or Misbehaviour to remove the said Clerk, and upon such Removal, or upon the Death or Resignation of any Clerk, to appoint another fit and proper Person in his Stead. 10

Deputy Clerk may be appointed on Emergencies.

XII. If such Clerk shall be at any Time prevented by Illness or unavoidable Absence from performing the Duties of his Office, it shall be lawful for the said Secretary of State to appoint a Deputy to act for such Clerk; and such Deputy, while acting under such Appointment, shall have the like Powers and Privileges, and be subject to the like Provisions, Regulations, and Duties, as if he were the Clerk of the said Court for the Time being; and the Remuneration to be paid to the said Deputy Clerk shall be paid to him out of the Salary of the Clerk for the Time being, or otherwise as the Commissioners of Her Majesty's Treasury shall determine. 15 20

Duties of Clerk.

Minute Book of Proceedings to be kept, and Entries to be Evidence.

XIII. It shall be the Duty of the Clerk to attend at every Sitting of the Court of Metropolitan Buildings, and to issue all Summonses, Warrants, Precepts, and Orders thereof, to tax the Costs of any Proceedings therein which any Party may be liable to pay pursuant to the Order of the Court, and also to keep a Minute Book in which he shall cause to be entered regular Minutes of the Proceedings of the Court, and also of all Summonses, Orders, Certificates, and other Instruments issued, and of all Fines and Penalties imposed under the Powers of this Act; and such Entries in the said Book, or any Copy thereof purporting to bear the Seal of the Court, and to be signed and certified as a true Copy by the Clerk, shall at all Times be admitted in all Courts and Places whatsoever as Evidence of such Entries, and of the Proceedings referred to by such Entries, and of the Regularity of such Proceedings, without further Proof. 25 30

Bailiff of Court to be appointed.

XIV. It shall be lawful for the said Judge from Time to Time to appoint One or more Persons to be the Bailiff or Bailiffs of the Court of Metropolitan Buildings, and in case of Inability or Misbehaviour to remove such Bailiff or Bailiffs, and appoint another or other Person or Persons to such Office; and it shall be the Duty of such Bailiff or Bailiffs to serve all the Summons, Warrants, Orders, and other Documents issued out of such Court, and in the Execution of 35 40 of



of his or their Offices to conform to all such General Rules as shall be from Time to Time made for regulating the Proceedings of the Court, as herein-after provided, and, subject thereunto, to the Order and Direction of the Judge of the said Court.

- 5 XV. The Commissioners of the Treasury shall assign to such Clerk and Bailiff or Bailiffs respectively such Salaries or other Remuneration as to them shall seem proper, and shall likewise be empowered from Time to Time to appoint such and so many other subordinate Officers, Clerks, and Persons as may be found necessary  
10 for transacting the Business to be performed under this Act, and to assign to such Officers, Clerks, and Persons respectively such Wages or Remuneration as the said Commissioners shall think proper; and such Salaries, Wages, and Remuneration shall be paid out of the General Fund hereafter mentioned.

Remuneration to Clerk, Bailiffs, &c.

- 15 XVI. And whereas the Questions arising in the said Court of Metropolitan Buildings may be in many Cases of a technical Nature, requiring the Skill and Knowledge of a practical Surveyor or Architect, and it is desirable that the said Judge should be assisted by the Advice and Information of a Person professionally conversant with  
20 the Construction of Buildings, and Subjects of a like Nature: Be it therefore enacted, That it shall be lawful for the said Commissioners of Works and Buildings to appoint a fit and proper Person, of the Profession of an Architect or Surveyor, to be and to be called the "Architectural Referee," and from Time to Time, at their Pleasure,  
25 to remove such Architectural Referee, and upon any Vacancy in the Office of Architectural Referee, occasioned by Death, Resignation, Removal, or otherwise, to appoint some other Person qualified as aforesaid to such Office.

Architectural Referee to be appointed.

- XVII. Every Architectural Referee shall, before entering upon the  
30 Duties of his Office, make and subscribe a Declaration, before One of the Commissioners of Works and Buildings, in the Form following; that is to say,

Architectural Referee to make Declaration.

- ‘ I A.B. do solemnly declare, That I will diligently, impartially, and  
‘ to the best of my Ability, execute the Duties of Architectural  
35 ‘ Referee of Metropolitan Buildings.’

- XVIII. It shall be the Duty of the Architectural Referee, as often as he shall be required by the Judge of Metropolitan Buildings so to do, but not otherwise, to sit as Assessor to the said Judge in the Court of Metropolitan Buildings, and to assist the said Judge with  
40 Information and Advice upon all Matters pertaining to the Science and Profession of an Architect or Surveyor which may be material  
69.

Duties of Architectural Referee.

to the Determination of any Question arising in the said Court, and whereupon he shall be consulted by the said Judge, and also, whenever requested by the said Judge so to do, to view or survey any Building, Structure, Work, or Operation respecting which any Question may arise or be likely to arise in the said Court, and to report thereupon to the Judge, in Writing or otherwise, as the Judge may direct. 5

Assistant  
Surveyor  
may be ap-  
pointed.

His Duties.

XIX. It shall be lawful for the Commissioners of Works and Buildings, if they shall deem it necessary, from Time to Time, to appoint a competent Person, being of the Profession of an Architect or Surveyor, to be the official Assistant Surveyor of Metropolitan Buildings under this Act; and it shall be the Duty of such Assistant Surveyor to assist the Architectural Referee in the Discharge of the Duties imposed upon him under this Act, and to act under the Authority and according to the Directions of the said Architectural Referee, and also, with the Consent of the Judge and of the Architectural Referee, in case of the Illness or unavoidable Absence of the Architectural Referee, or otherwise, to act as Assistant or Assessor to the Judge upon any Hearing in the Court, or to make any View, Survey, or Report, as he may be directed by the Judge. 10 15 20

Commis-  
sioner, Re-  
ceiver, Stew-  
ard, or Agent  
not to be  
appointed  
Architec-  
tural Referee  
or Surveyor.

Architec-  
tural Referee  
or Assistant  
Surveyor not  
to act as Sur-  
veyor, Com-  
missioner,  
Receiver,  
Steward, or  
Agent, with-  
in the Limits  
of Act.

XX. Provided always, That no Person, being a Commissioner, Receiver, Steward, or Agent for or on behalf of any Owner of Buildings or Land within the local Limits of this Act, shall be qualified to be appointed an Architectural Referee or Assistant Surveyor under this Act. 25

And it shall not be lawful for any Architectural Referee or Assistant Surveyor to act, either alone or with any Partner, or by an Agent, as a Surveyor, or to become a Commissioner, Receiver, Steward, or Agent as aforesaid; and if any Architectural Referee or Assistant Surveyor shall so act as a Surveyor, or become a Commissioner, Receiver, Steward, or Agent as aforesaid, then such Architectural Referee or Assistant Surveyor, as the Case may be, shall ipso facto be disqualified to hold such Office, and such Office shall thereupon become vacant; but no Acts done by any Architectural Referee or Assistant Surveyor, as such, so far as other Persons are affected thereby, shall be invalidated by reason of such Matter as aforesaid: 30 35

Architec-  
tural Referee  
or Assistant  
Surveyor not  
to act in case  
of Works in  
which they  
are con-  
cerned pro-  
fessionally.

And no Architectural Referee or Assistant Surveyor shall execute the Duties of their respective Offices with reference to any Building or other Matter whatsoever in which they shall, either alone or with any Partner, or by any Agent, be respectively employed as Architects or Surveyors, or in which they or any Partner, or any Person for whom they shall be respectively Commissioners, Receivers, Stewards, or Agents, shall be interested. 40

XXI. If

- XXI. If any Doubt, Question, or Difference shall arise between any Persons whomsoever as to whether any Matter or Thing is subject to any of the Provisions, Rules, and Directions of this Act, or as to which of such Provisions, Rules, and Directions any Matter or Thing is subject to, or as to the true Intent and Meaning or Effect of this Act in any Case, or whether any Matter or Thing is or has been done contrary to any of the Provisions, Rules, and Directions of this Act, or as to any special Certificate made by any District Surveyor under the Authority of this Act, or if any Building Owner or other Person claim to execute any Work or Operation authorized or required by this Act, and the Adjoining Owner or other Person whose Consent thereto may be required shall not have signified in Writing his Consent to such Work or Operation, or if such Adjoining Owner or other Person cannot be found, or cannot by reason of legal Disability or other Cause give such Consent, or if it be not known who is the Person having a Right to give such Consent, or if there be any Difference or Dispute touching the Liability to pay any Money, or respecting the Amount or Proportion of any Money which ought to be paid by any Party, according to the Provisions of this Act, or as to any Matter whatever, whether including Questions of Law or Questions of Fact, arising under or within the Operation of this Act, then it shall be lawful for either or both of the Parties concerned in any such Doubt, Question, or Difference, or for any such Building Owner or other Person, to refer the same to the Court of Metropolitan Buildings, and the said Court shall have Power to adjudicate upon and finally to dispose thereof in manner herein-after provided.

Questions of  
Doubt  
arising under  
this Act,

Claims for  
Authority  
or Consent  
to execute  
Works affect-  
ing other  
Persons,

and other  
Matters in  
difference, to  
be referred  
to Court of  
Metropolitan  
Buildings.

- XXII. The Judge of the Court of Metropolitan Buildings shall be the sole Judge in all Questions and Matters of Difference which shall be brought before the said Court, and shall determine the same in a summary Way, and shall give his Decision in open Court in the Hearing of the Parties or their Agents, or in the Absence of any Parties, if they or any of them shall have been proved before him to have been duly summoned to attend ; and the Decision of such Judge so given shall be final and binding between the Parties, subject only to an Appeal upon a Special Case in the Manner herein-after directed ; Provided, that whenever the Question to be decided by the said Court shall consist of Matter of Fact, or shall involve the Right to any Easement which under the Provisions of this Act may be tried and determined in the said Court, it shall be lawful for the said Judge, upon the Application of any of the Parties whose Interests may be directly affected by the Decision of such Question, to order that such Matter of Fact, whether involving the Right to an Easement or otherwise, shall be tried by a Jury, and the same shall be tried accordingly at the next or other subsequent Sitting of the said Court,

Mode of  
proceeding  
in Court.

Trial may be  
by Jury in  
certain  
Cases.



Court, as the Judge shall direct ; and it shall be the Duty of the Clerk of the Court to cause Notice of such intended Trial by a Jury to be given *Three Days* at least before the Day on which such Trial is to be had, to any of the Parties concerned who shall not have been present in the Court at which the Order for such Trial was made. 5

Who shall  
be Jurors.

XXIII. The High Bailiff of Westminster shall cause to be delivered to the Clerk of the Court a List of Persons qualified and liable to serve as Jurors in the Courts of Assize and Nisi Prius for that City, within *Fourteen Days* from the Receipt of the Jury Book from the Officer by whom the said Book has been made up, each List containing only the Names of Persons residing within the Jurisdiction of the Court, for which List the said High Bailiff shall be entitled to receive out of the General Fund of the Court a Fee after the Rate of *Two-pence* for every Folio of Seventy-two Words ; and whenever a Jury shall be required, the Clerk of the Court shall cause so many 15 of the Persons named in the List as shall be needed, in the Opinion of the Judge, to be summoned to attend the Court at a Time and Place to be mentioned in the Summons, and shall administer or cause to be administered to such of them as shall be impannelled to try any Cause or Causes an Oath to give true Verdicts according to the 20 Evidence ; and the Persons so summoned shall attend at the Court at the Time mentioned in the Summons, and in default of Attendance shall forfeit such Sum of Money as the Judge shall direct, not being more than *Five Pounds* for each Default ; and the Delivery of such Summons to the Person whose Attendance is required on such 25 Jury, or Delivery thereof to his Wife or Servant or any Inmate at his usual Place of Abode, trading, or dealing, shall be deemed good Service : Provided always, that no Person shall be summoned or compelled to serve on such Jury more than Twice within One Year, or who shall have been summoned and shall have attended upon any 30 Jury at the Assizes or any Court of Nisi Prius or at the Central Criminal Court within Six Calendar Months next before the Delivery of such Summons.

Members of  
the Jury.

XXIV. Whenever there are any Jury Trials, Five Jurymen shall be impannelled and sworn, as Occasion shall require, to give 35 their Verdicts in the Cases which shall be brought before them in the said Court, and being once sworn shall not need to be re-sworn in each Trial ; and any of the Parties concerned in any Matter to be tried shall be entitled to his lawful Challenge against all or any of the said Jurors, in like Manner as he would be entitled in any 40 Superior Court ; and the Jurymen so sworn shall be required to give an unanimous Verdict.

XXV. Upon

XXV. Upon the Application of any District Surveyor, or of any other Person desirous of submitting any Question to the Decision of the Court of Metropolitan Buildings, the Clerk of the said Court shall enter in a Book to be kept for that Purpose a Note in Writing, stating the Names and last known Places of Abode of the several Parties concerned, and the Substance of the Question or Matter in difference to be submitted for Decision; and thereupon a Summons, stating the Names and Places of Abode of such Parties, and the Substance of the Question or Matter in difference, shall be issued under the Seal of the Court, and shall be served on the several Parties concerned and named therein, except the Party by whom or on whose Behalf the Application was made, so many Days before the Day on which the Court is to be next holden as shall be directed by the Rules to be made for regulating the Practice of the Court, as herein-after provided, and Delivery of such Summons to such Parties personally, or in such other Manner as shall be specified in such Rules of Practice, shall be deemed good Service; and no Misnomer or inaccurate Description of any Person or Place in any Summons or other Document issued by the Authority of the said Court shall vitiate the same, so that the Person or Place be therein described so as to be commonly known.

Proceedings  
in Court,  
how to be  
commenced.

XXVI. It shall be the Duty of the Judge of the Court of Metropolitan Buildings, as soon as may be after his Appointment to that Office, to draw up a Table of Rules for regulating the Practice and Proceedings of the said Court, and also to frame Forms for every Proceeding in the said Court for which he shall think it necessary that a Form should be provided, and from Time to Time, whenever it shall be found necessary, to revise and alter such Rules and Forms; the Rules so made and the Forms so framed shall, both in the first instance and as often as any Revision or Alteration thereof shall have been made, be submitted to the Approval of any One of the Judges of the Superior Courts at Westminster, who is hereby authorized to allow and sign the same; and the Rules and Forms so allowed and signed shall be observed and used in the said Court, and by all Parties concerned in any Proceedings therein; and in every Case not expressly provided for by the said Act or by the said Rules the general Principles of Practice adopted in the Superior Courts of Law at Westminster shall be applied, at the Discretion of the Judge, to the Proceedings in the said Court of Metropolitan Buildings.

Rules of  
Practice to  
be framed  
for regu-  
lating Pro-  
ceedings.

XXVII. There shall be payable on every Proceeding in the Court of Metropolitan Buildings such Fees as are set down in the Schedule marked to this Act annexed, or which shall be set down in any Schedule

Fees on  
Proceedings  
to be paid  
according to  
Schedule.

69.

D

Schedule

Schedule of Fees reduced or altered under the Power herein-after contained for that Purpose, and none other; and a Table of such Fees shall be put up in some conspicuous Place in the Court House and in the Clerk's Office; and the Fees on every Proceeding shall be paid in the first instance to the Clerk of the Court by the Party on 5 whose Behalf such Proceeding is to be had, on or before such Proceeding, and in default thereof Payment shall be enforced by Order of the Judge, by such Ways and Means as any Debt, Costs, or Penalty ordered by the Court to be paid can be recovered under this Act: Provided, that it shall be lawful for the said Commissioners of 10 Works and Buildings, with the Consent of the Commissioners of Her Majesty's Treasury, to lessen the Amount of the Fees to be taken in the said Court in such Manner as to them shall seem fit, and again to increase such Fees, so that the Scale of Fees set forth in the Schedule to this Act be not in any Case exceeded: Provided also, 15 that no District Surveyor shall be liable to the Payment of any Costs or Fees in respect to any Proceedings in the said Court to which he shall become a Party by virtue of his Office, save and except in respect to any Proceedings which may be instituted against any District Surveyor on account of any Misconduct in his Office, or 20 any Receipt or Application of Fees or Monies contrary to the Provisions of this Act.

Proviso as  
to District  
Surveyors.

Judge to  
proceed in  
Absence of  
Parties, if  
summoned.

XXVIII. The Judge may proceed to the Hearing and Determination of any Question or Proceeding in the Absence of any Party 25 concerned therein, upon Proof being given to his Satisfaction that a Summons was duly served upon such Party.

Parties may  
appear by  
Attorney or  
Counsel.

XXIX. No Person shall be entitled to appear for any other Party to any Proceeding in the said Court, unless he be an Attorney of One of Her Majesty's Superior Courts of Record, or a Barrister at Law instructed by such Attorney on behalf of the Party, or, by 30 Leave of the Judge, any other Person allowed by the Judge to appear instead of such Party; and no Person, not being an Attorney admitted to One of Her Majesty's Superior Courts of Record, shall be entitled to recover any Costs, Fees, or Sum of Money for appearing or acting on behalf of any other Person in the said Court. 35

Parties and  
others may  
be examined.

XXX. Upon the Hearing or Trial of any Question or Matter in difference in the said Court, the Parties concerned or interested therein, their Wives, and all other Persons, may give Evidence upon Oath or solemn Affirmation in those Cases in which Persons are by Law allowed to make Affirmation instead of taking an Oath, to be 40 administered by the Judge or Clerk; and every Person who in any Examination upon Oath or solemn Affirmation, or in any Affidavit made

made before the Judge of the Court of Metropolitan Buildings, shall wilfully and corruptly give false Evidence, shall be deemed guilty of Perjury.

XXXI. Any Person, being a Party concerned in any Question or  
 5 Matter in difference to be tried or heard in the said Court, may obtain at the Office of the Clerk of the Court Summonses to Witnesses to be served by the Bailiff of the Court, with or without a Clause requiring the Production of Books, Deeds, Papers, and Writings in their Possession or Control; and in any such Summons  
 10 any Number of Names may be inserted.

Summoning  
of Witnesses.

XXXII. Every Person on whom any such Summons shall have  
 been served, either personally or in such Manner as shall be directed by the General Rules or Practice of the said, and to whom at the same Time Payment or a Tender of Payment of his Expenses shall  
 15 have been made, on such Scale of Allowance as shall be from Time to Time settled by the General Rules or Practice of the said Court, and who shall refuse or neglect, without sufficient Cause, to appear or to produce any Books, Papers, or Writings required by such Summons to be produced, and also every Person present in Court who  
 20 shall be required by the Judge to give Evidence, and who shall refuse to be sworn and give Evidence, shall forfeit and pay such Sum not exceeding *Ten Pounds* as the Judge shall impose on him; and the whole or any Part of such Fine, in the Discretion of the Judge, shall be applicable towards indemnifying the Party injured by such Refusal  
 25 or Neglect, and the Remainder thereof shall form Part of the General Fund of the Court.

Penalty on  
Witnesses  
neglecting  
Summonses.

XXXIII. All Fees, Costs, Fines, Penalties, and Sums of Money  
 which shall be payable or ordered to be paid by or under any Order of the Court of Metropolitan Buildings, or by virtue of any of the  
 30 Provisions of this Act, shall be recoverable, in case of default of Payment thereof forthwith, or at the Time or Times and in the Manner by such Order or by this Act directed, by Execution against the Goods and Chattels of the Party against whom such Order shall have been made, or who shall be charged with the Payment thereof;  
 35 and the Clerk of the said Court in such Cases shall issue, under the Seal of the Court, a Writ of Fieri facias as a Warrant of Execution to the Bailiff of the Court, who by such Warrant shall be empowered to levy or cause to be levied, by Distress and Sale of the Goods and Chattels of such Party, such Sum of Money as shall be so ordered  
 40 to be paid or payable, wheresoever they may be found within the Limits of this Act, whether within Liberties or without, and also the Costs of the Execution; and all Constables and other Peace Officers  
 69. within

Payment of  
Money,  
Fees, Costs,  
&c., how  
recoverable.

within their several Jurisdictions shall aid in the Execution of every such Warrant.

In default of  
Distress,  
Offenders  
may be  
committed.

XXXIV. If upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by Confession of the 5 Offender or otherwise, that he hath not within the Jurisdiction of such Justice sufficient Goods and Chattels whereon to levy all such Penalties, Forfeitures, Costs, and Charges, such Justice may, at his Discretion, without issuing any Warrant of Distress, commit the Offender to the Common Gaol or House of Correction for any Time 10 not exceeding *Three* Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

What Goods  
may be  
taken in  
Execution.

XXXV. Every Bailiff or Officer executing any Process of Execution issuing out of the said Court against the Goods and Chattels of 15 any Person may, by virtue thereof, seize and take any of the Goods and Chattels of such Person (excepting the Wearing Apparel and Bedding of such Person or his Family, and the Tools and Implements of his Trade to the Value of *Five Pounds*, which shall to that Extent be protected from such Seizure), and may also seize and take any 20 Money or Bank Notes (whether of the Bank of England or of any other Bank), and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or Securities for Money belonging to any such Person against whom any such Execution shall have issued as aforesaid. 25

Securities  
seized to be  
held by  
Bailiff.

XXXVI. The said Bailiff shall hold any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money which shall have been so seized or taken as aforesaid, as a Security or Securities for the Amount directed to be levied by such Execution, or so much thereof as shall not have been otherwise levied 30 or raised, and the Clerk of the said Court may sue in the Name of the Party against whom the Execution was issued, or in the Name of any Person in whose Name such last-mentioned Party might have sued, for the Recovery of the Sum or Sums secured or made payable thereby, when the Time of Payment thereof shall have arrived. 35

Judge may  
rehear  
Cases and  
rescind or  
alter Orders.

XXXVII. It shall be lawful for the Judge to rehear any Case brought before him whenever the Ends of Justice or the Objects of this Act would in his Opinion be promoted by so doing, and from Time to Time to rescind or alter any Order that may have been previously made by him for the Payment of Money or otherwise, in 40 any Manner as may seem to such Judge reasonable and just.

XXXVIII. The

XXXVIII. The Judge may in any Case, with the Consent of all the Parties concerned, order the Question or Matters in difference between them to be referred to Arbitration, to such Person or Persons, and in such Manner, and on such Terms as he shall think fit; and such Reference shall not be revocable by either Party, except by Consent of the Judge; and the Award of the Arbitrator or Arbitrators or Umpire shall be as binding and effectual to all Intents and Purposes, and may be enforced in like Manner, as any Order made by the Judge, or in any other Manner in which Awards may be enforced by Law; provided, that the Judge may, if he think fit, on Application to him within such Time as shall be limited by the Rules of Practice, set aside the same, or, with the Consent of all the Parties concerned, revoke the Reference, or order another Reference to be made in the Manner aforesaid.

Judge may refer Matters in difference to Arbitration.

XXXIX. And whereas the Court to be established under this Act may be found a cheap and convenient Tribunal for the Adjudication of Questions affecting the Rights of Parties to certain Easements connected with the Occupation and Construction of Buildings: Be it enacted, That if the respective Parties between whom any Dispute may exist touching any Right or Claim of Way or Passage in, to, through, or from any Building or Premises, or touching any Right or Claim to the Use of Lights or Windows, or any Right or Claim to any Support, or any other Easement or Accommodation, from, in, or upon the Soil or Tenement of another, within the Limits of this Act, shall agree, by a Memorandum signed by them or by their Attornies, and filed with the Clerk of the Court, that the Court of Metropolitan Buildings shall have Power to try and determine any such Question as aforesaid, then and in such Case the said Court shall have Jurisdiction and Power to try and determine the same; and for the more convenient Trial of any such Question the Judge shall cause the Matter in dispute to be stated in the Form of an Issue in Writing between the respective Parties thereto, one of whom shall be made the Plaintiff, and the other shall be made the Defendant, according to the Direction of the Judge, and the Issue so stated shall be tried and determined by the Judge, or by a Jury in case a Trial by Jury shall be granted, upon the Application of either of the Parties, as hereinbefore provided; and the Decision of the Judge, or Verdict of the Jury, as the Case may be, shall be binding and conclusive upon the Parties to the Issue, and upon all Persons claiming under them respectively, subject nevertheless to an Appeal to any One of the Superior Courts upon Matter of Law, in manner herein-after provided with respect to Appeals under this Act.

Questions involving the Right to Easements may be tried by Court of Metropolitan Buildings, by Consent.

Appeal.

Costs of  
Issue, how to  
be borne.

XL. The Costs incurred in and about the Trial of any such Issue as last aforesaid, to be taxed by the Clerk of the Court, including the Fees of the Court, shall be paid by such of the Parties to the said Issue, or in such Proportion between the several Parties, as the Court in its Discretion shall determine, and shall be recoverable in 5 like Manner as any Sums of Money payable by Order of the Judge under this Act.

Appeal may  
be made to  
One of the  
Superior  
Courts upon  
a Special  
Case.

XLI. If any Person concerned in any Question or Matter which shall be tried and determined by the said Judge shall be dissatisfied with his Decision in point of Law, and shall desire to appeal against 10 the same, and shall give Notice in Writing to that Effect to the Judge, either forthwith or at or before the next Sitting of the Court, and also shall give Security, to the Satisfaction of the Clerk of the Court, for the Costs of such Appeal, or if the Judge shall be desirous to refer any doubtful Question of Law to the Adjudication of a Superior 15 Court, then and in either of such Cases respectively the Judge shall draw up in Writing a Special Case, setting forth the Facts which in his Judgment have been established by the Evidence adduced before him, and which shall be material to the Matter in question, and also the Question or Questions of Law which he desires to raise for the Opinion of 20 the Superior Court, and the Case so drawn up shall be signed by the Judge, and by him delivered to the Clerk, who shall transmit the same to the Rule Department of the Master's Office of any One of the Superior Courts in which the Appeal is intended to be tried; and the Clerk of the Court shall be made the Respondent or Appellant in such Appeal, 25 as the Case may be; and the Special Case so stated shall be argued before and determined by Two or more of the Puisne Judges of the said Superior Court sitting out of Term as a Court of Appeal from the Decisions of the Judges of the County Courts, pursuant to the Act of the Thirteenth and Fourteenth Years of Her present Majesty, 30 Chapter Sixty-one; and the said Court of Appeal shall cause a Certificate of their Opinion upon the Special Case so argued before them to be returned to the said Court of Metropolitan Buildings, and such Certificate shall be final and conclusive to all Intents and Purposes.

Costs of  
Appeal, how  
to be borne.

XLII. If such Special Case shall have been stated at the Request 35 and on behalf of any Party interested in the Matter in question, and if the Decision of the Court of Appeal upon such Case shall in the Opinion of the Judge be adverse to the Party appealing, then such Party shall be liable to pay the Costs incurred in respect of such Appeal, to be taxed by the Clerk of the Court; but if such Decision 40 shall not in the Opinion of the Judge be adverse to the Party appealing, or if such Case shall have been stated by the Judge on his own

own Behalf, for the Satisfaction of his own Doubts on any Matter of Law, then it shall be lawful for the Judge to order that all the Costs incurred in respect of such Appeal be paid out of the General Fund of the Court, and such Costs shall be paid accordingly.

- 5 XLIII. No Judgment, Order, or Determination given or made by the Judge in any Matter brought before him shall be removed by Appeal, Motion, Writ of Error, Certiorari, or otherwise into any other Court whatsoever, save and except in the Manner and according to the Provisions herein-before mentioned. Certiorari, &c. taken away.
- 10 XLIV. It shall be lawful for Her Majesty, Her Heirs and Successors, to assign to the Judge of the Court of Metropolitan Buildings a Salary not exceeding a Year, and to the Architectural Referee a Salary not exceeding a Year, over and above the Fees to be received by him in respect of the Supervision of Public Buildings, as herein-after provided, and to the Assistant Surveyor a Salary not exceeding a Year, in addition to any Sums which the Commissioners of Her Majesty's Treasury may in each or any Case think reasonable for defraying any Expenses incidental to any of the said Offices; and the General Fund of the Court herein-before mentioned shall be applicable to such Salaries and Payments, and also to any Charges and Expenses incidental to the Court of Metropolitan Buildings, and the Proceedings thereof; and in case the said General Fund shall not be found adequate for the several Purposes aforesaid the Deficiency shall be supplied out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland. Salaries of Judge, Architectural Referee and other Officers.
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- XLV. And whereas it is just that a Portion of the Expenditure incurred in carrying this Act into execution should be contributed by the Localities immediately affected by its Operation: Be it enacted, That the Lord Mayor and Aldermen of the City of London shall direct the Chamberlain of the said City, and the Justices of the Peace for the Counties of Middlesex, Surrey, and Kent, in Quarter Sessions assembled, shall direct the respective Treasurers of the said Counties, to pay, by Two half-yearly Payments, in the Months of June and December in every Year, to the Treasurer for the Time being of Metropolitan Buildings, next herein-after mentioned, the several annual Sums of Money following, and the same when so paid shall be added to and shall form Part of the General Fund of the said Court; that is to say, as to the City of London and the Liberties and Suburbs thereof, the Sum of One hundred Pounds; and as to the County of Middlesex, the Sum of One thousand Pounds; and as to the County
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- 40
69. Contribution to General Fund to be made by City of London and Counties within Limits of this Act.
- to



In case of  
Extension of  
Act, Contri-  
bution to be  
determined  
by Order in  
Council.

Contribution  
to be paid  
out of City  
Cash and  
County  
Rates.

Treasury to  
appoint Trea-  
surer of Me-  
tropolitan  
Buildings  
Court.

Offices of  
Clerk and  
Treasurer  
not to be  
conjoined.

of Surrey, the Sum of *Three hundred and twenty Pounds*; and as to the County of Kent, the Sum of *Eighty Pounds*; and the first of such half-yearly Payments shall in each Case be made in the Month of June next after this Act shall come into operation: Provided, that in case the Operation of this Act shall be extended by any Order in Council into any other County, in pursuance of the Provisions hereinafter contained, it shall be lawful for Her Majesty, Her Heirs and Successors, by the same or any other Order in Council, to determine the Amount which shall be contributed by such County, and which shall thenceforth be paid at the same Time and in the same Manner in all respects as the Amounts so to be contributed by the Counties above mentioned, as aforesaid; and in every such Case the Chamberlain of the City of London and the several Treasurers of such Counties shall pay the said Amounts out of the City Cash and County Rate respectively.

XLVI. The Commissioners of Her Majesty's Treasury shall appoint a fit and proper Person to be the Treasurer of the Court holden under this Act, and may remove any such Treasurer, if they shall see Occasion so to do, and appoint another Person in his Room; and every such Treasurer shall be paid by Salary in such Manner and to such Amount as the said Commissioners from Time to Time shall Order; and the Salary of every such Treasurer shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, that the Office of Clerk of the Court holden under this Act and the Office of Treasurer of the said Court shall at no Time be held by the same Person, nor shall one of such Offices be at any Time held by the Partner or by any one in the Service or Employment of the Person holding the other of such Offices.

XLVII. Any Person who, being the Clerk of such Court, or the Partner of such Clerk, or a Person in the Service or Employment of such Clerk or of his Partner, shall accept the Office of Treasurer of such Court, or who, being the Treasurer of such Court, or the Partner of any such Treasurer, or a Person in the Service or Employment of any such Treasurer or of his Partner, shall accept the Office of Clerk of such Court, and also every Clerk, Treasurer, Bailiff, or other Officer of the said Court who shall be, by himself or his Partner, or in any Manner, directly or indirectly, concerned as Attorney or Agent for any Party in any Proceeding in the said Court, shall forfeit and pay the Sum of *Fifty Pounds* to any Person who shall sue for the same in any of Her Majesty's Superior Courts of Record.

XLVIII. The

XLVIII. The Treasurer and Clerk of the Court to be appointed under this Act, and also any District Surveyor who shall be appointed after the passing of this Act, shall give Security for such Sum and in such Manner and Form as the Commissioners of Her Majesty's Treasury from Time to Time shall order, for the due and faithful Performance of their respective Offices, and for the due accounting for and Payment of any Monies received by them under this Act, or which they may become liable to pay for any Misbehaviour in their respective Offices.

Treasurer, Clerk, and District Surveyors hereafter appointed to give Security.

XLIX. The Clerk of the Court shall from Time to Time, as often as he shall be required so to do by the Treasurer or Judge of the Court, and in such Form as the Treasurer or Judge shall require, deliver to the Treasurer a full Account in Writing of the Fees received by such Clerk under the Authority of this Act, and a like Account of all Fines levied by the Court, and of the Expenses of levying the same, and also an Account of all Sums paid and disbursed by him in respect of the Expenses of the Court, or incident to any Proceedings therein; and the said Clerk shall pay over to the Treasurer, at such Intervals or Periods as the Court shall direct, the Monies remaining in his Hands, over and above such Balance as he shall be allowed by the Court to retain for the current Expenditure of the Court.

Clerk to account to Treasurer for Fees, Fines, &c. received.

Balances to be paid.

L. It shall be the Duty of the Treasurer from Time to Time, quarterly or oftener, as shall be directed by the Order of the Court, to audit and settle the Accounts of the Clerk of the Court, and to receive the Balance of the various Monies which such Clerk shall have received, and from Time to Time, according to the Directions which shall be given to him by the Commissioners of the Treasury, to pay over the Balances in his Hands into such Bank or otherwise as the said Commissioners shall direct, to the Credit of the General Fund of the Court.

Treasurer to audit Clerk's Accounts.

To pay Balances over to General Fund.

LI. The said Treasurer shall once in every Year, or oftener if required, on such Day as the Commissioners of the Treasury from Time to Time shall appoint, render to the Commissioners for auditing the Public Accounts of Great Britain a true Account in Writing of all Monies received and of all Monies disbursed by him under the Authority of this Act during the Period comprised in such Account, and of the Balance, if any, remaining to the Credit of the General Fund, in such Form and with such Particulars of Receipt and Disbursement or otherwise as the said Commissioners of Audit may from Time to Time require.

Treasurer to render Accounts to Auditors of Public Accounts.

Accounts of  
Treasurer to  
be audited,  
under Powers  
of 25 G. 3.  
c. 52.

LII. The Accounts of the said Treasurer shall be examined and audited by the said Commissioners for auditing the Public Accounts, under the Powers vested in such Commissioners by the Act of the Twenty-fifth Year of King George the Third, Chapter Fifty-two, and under any other Acts in force for the Time being.

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Clerk to  
send to Com-  
missioners of  
Audit an  
Account of  
all Sums  
paid by him  
to Treasurer.

LIII. The Clerk of the Court of Metropolitan Buildings shall once in every Year, or oftener if required, on such Day as shall be appointed by the Commissioners of Her Majesty's Treasury, make out and send to the said Commissioners of Audit an Account of all Sums paid over by him to the Treasurer of the Court; and every such Account, duly vouched by Receipts given under the Hand of the Treasurer, shall be a Voucher to charge the Treasurer in his Account before the said Commissioners of Audit.

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Accounts,  
when audi-  
ted, to be sent  
to Treasury.

LIV. Provided, That it shall not be necessary to declare the Accounts of the said Treasurers before the Chancellor of the Exchequer, but the said Commissioners of Audit shall transmit a Statement of every Account examined and audited by them under the Authority of this Act to the Commissioners of the Treasury for the Time being, who, having considered such Statement, shall return the same to the Commissioners of Audit, together with their Warrant, directing them to make up and pass the Account, either conformably to the Statement or with such Variations as they may deem just and reasonable; and the Account having been made up pursuant to such Directions, and signed by Two or more of the said Commissioners for auditing the Public Accounts, shall remain deposited in the Audit Office, and shall have the same Force and Validity, and be as efficient in Law for all Purposes whatsoever, as if the same had been declared according to the usual Course by the Chancellor of the Exchequer; and the said Commissioners shall thereupon, as soon as conveniently may be, cause such or the like Certificate thereof, in the Nature of a Quietus, to be made out and delivered, as is now practised by them with regard to declared Accounts, and which shall be equally valid and effectual to discharge the Accountants, and to all other Intents and Purposes.

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Division of  
Districts and  
Appoint-  
ment of Dis-  
trict Sur-  
veyors to  
continue in  
force.

LV. And whereas, under the Powers of the recited Act of the Seventh and Eighth Years of Her present Majesty, Chapter Eighty-four, and for the more convenient Distribution of the Business to be transacted under the said Act, the several Parishes and Places within the Limits herein-before specified have been divided by the Authorities thereby empowered in that Behalf into a certain Number of Districts, and certain Persons have been appointed, by the Authorities and under the Powers aforesaid, to be District Surveyors in and for

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for such Districts respectively: Be it enacted, That the several Districts which at the Time when this Act shall come into operation shall have been formed and constituted under the Provisions of the said recited Act shall be and continue to be Districts for the Purposes of this Act and that the several Persons who at the Time when this Act shall come into operation shall be the District Surveyors under the Provisions of the said recited Act shall be and continue District Surveyors under this Act, subject nevertheless to the Provisions and Conditions herein-after prescribed.

- 10 LVI. It shall be lawful for the Commissioners of Works and Buildings, from Time to Time, at their Pleasure, to remove any District Surveyor who may have been continued or appointed under this Act, and in case of any Vacancy in such Office occasioned by such Removal, or by the Death or Resignation of any District Surveyor, to appoint  
 15 another Person, duly qualified as herein-after provided, to such Office.

Appoint-  
ments of  
District Sur-  
veyorshence-  
forth to be  
made by  
Commission-  
ers of Works  
and Build-  
ings.

- LVII. And whereas it is expedient, for the better Execution of this Act, that Provision should be made for consolidating some of the Districts formed under the before-recited Act, and for diminishing the Number of the District Surveyors as Opportunity may arise:  
 20 Be it enacted, That it shall be lawful for the Commissioners of Works and Buildings, as often as any of the said Offices shall become vacant, at their Discretion, to alter or extend the Limits of any District so created, or of any adjoining District, or to unite any Two or more Districts together, and in any such Case to declare that such  
 25 altered or extended or consolidated District shall be and remain within the Jurisdiction and under the Supervision of any existing or of any newly-appointed District Surveyor: Provided always, that every such Order of the said Commissioners as aforesaid shall be published in the London Gazette, and shall come into operation at and from the  
 30 Date of such Publication.

Power to  
alter and  
consolidate  
Districts.

- LVIII. Every District Surveyor, before he shall act in pursuance of this Act, shall make and subscribe before the Judge of Metropolitan Buildings hereafter to be appointed a Declaration of official Fidelity in the Form or to the Effect following; that is to say,  
 35 ' I A.B., being One of the Surveyors appointed in pursuance of the Metropolitan Buildings Act (1851), do solemnly declare, That  
 ' I will diligently, faithfully, and impartially perform the Duties of  
 ' my Office, and, to the utmost of my Power, Skill, and Ability,  
 ' endeavour to cause the several Provisions of the said Act to be  
 40 ' strictly observed, and that without Favour or Affection, Prejudice  
 ' or Malice, to any Person whomsoever.'

District  
Surveyors to  
make Decla-  
ration of offi-  
cial Fidelity.

And if before making such Declaration any such Surveyor act in pursuance of this Act, then, on Conviction thereof, he shall be liable  
 69. to

Penalty for  
acting before  
making De-  
claration.

to pay for every Day during which he shall have so acted before making such Declaration the Sum of Five Pounds.

District Surveyor to have an Office in an approved Situation.

District Surveyor to make a Return of his Office and Residence ;

to attend daily at his Office ;

Future District Surveyors to reside in District.

LIX. Every District Surveyor for the City of London and the Liberties thereof shall have and maintain an Office, at his own Expense, in such public Situation within the City of London, and 5 every other District Surveyor shall have and maintain an Office, at his own Expense, in such public Situation in some central or other convenient Part of his District as shall be approved by the Commissioners of Works and Buildings, and immediately upon his Appointment, and from Time to Time upon every Change of his Residence 10 or of his Place of Business, or at any other Time, if required, he shall make a Return to the Court of Metropolitan Buildings, and to the Overseers of the Poor of every Parish or Place within his District, of the Places of his Abode and of his Office ; and it shall be the Duty of every such District Surveyor and he is hereby required, by 15 himself or by some other Person in his Behalf, to attend at his Office every Day (Sundays, Christmas Day, and Good Friday excepted,) from Ten of the Clock in the Forenoon till Four of the Clock in the Afternoon ; and every District Surveyor hereafter appointed after this Act shall have come into operation shall either reside 20 within his District or have his principal Office or Place of Business therein.

And for providing Remuneration for the District Surveyors for their Services performed under this Act, be it enacted,

District Surveyor to be entitled to Fees on Expiration of One Month after covering in of Roof, or of Fourteen Days after Completion of other Work or Service, and on delivering Account.

LX. That upon the Expiration of *One Month* after the Roof of 25 any Building erected and surveyed by any District Surveyor under this Act shall have been covered in, and all the Walls thereof shall have been built to their full Height, and the principal Timbers and Floors shall have been fixed in their Places, or upon the Expiration of *Fourteen Days* after the Completion of any Addition, Alteration, 30 or other Work by this Act placed under the Supervision of the District Surveyor, or upon the Expiration of *Fourteen Days* after any special Service shall have been performed, it shall be lawful for the District Surveyor, upon delivering to the Builder of the Building, or to any Owner or Occupier thereof for the Time being, an Account of 35 the Fees incurred, and upon tendering a Receipt duly signed, and specifying in the Terms contained in the monthly Returns to be made by him as herein-after provided the Amount of such Account, and the Work supervised or the special Service performed, to receive from the Builder or from the Owner or Occupier to whom such 40 Account shall have been delivered and such Receipt tendered, for his Time, Trouble, and Expenses in causing the Rules, Regulations, and Directions of this Act to be observed, or in performing such special Service, the several Fees specified in the Schedule (M.) hereunto annexed ;

annexed ; and if such Fee be paid by the Builder or by the Occupier of any Building such Builder or Occupier shall be entitled to recover the Amount thereof, by virtue of an Order of the Court of Metropolitan Buildings to be made in that Behalf, from the Owner of such Building, subject nevertheless to any Contract or Agreement between such Builder or Occupier and such Owner.

Builder or Occupier paying Fees may recover from Owners.

LXI. Provided always, That if the Work in respect of which such Fee shall become payable shall not have been done in every respect agreeably to the Provisions, Rules, and Directions of this Act, then it shall not be lawful for any Surveyor to receive such Fee, unless by any Order of the Court of Metropolitan Buildings it be otherwise directed ; and if he so receive it, not being lawfully entitled thereto, then it shall be lawful for the said Court to order the said Surveyor to refund such Fee, or any Part thereof, as to the Court may seem proper.

But if Work be irregular District Surveyor not to receive Fee, unless otherwise awarded. Fee wrongly received to be refunded.

LXII. Provided always, That if there be any special Service required to be performed by the District Surveyor under this Act for which no Fee is specified in the said Schedule (M.), then it shall be lawful for the Commissioners of Works and Buildings, upon the Representation of the District Surveyors or any of them, and upon the Report of the Architectural Referee, to order and appoint any Fee not exceeding Two Pounds for such Service, and it shall be lawful for the District Surveyors to receive such special Fee as if the same were expressly named in the said Schedule (M.).

Commissioners of Works may appoint special Fees for Services not provided for.

LXIII. It shall be the Duty of every District Surveyor and he is hereby required, within *Seven Days* after the First Day of every Month, to make a Return to the Clerk of the Court of Metropolitan Buildings of all Notices, Informations, and Complaints received by him relative to the Business of his District, and the Results thereof, and of all the several Works supervised and special Services performed by him in the Exercise of his Office within the previous Month, and of all Fees charged or received in respect thereof, and to specify in such Return the Rate and Description and Locality of every Building built, rebuilt, enlarged, or altered, or on which any Work or Operation shall have been executed, under his Supervision, with the particular Nature of every Alteration or other Work in respect of which any Fee has been charged or received, and also, to the best of his Knowledge and Belief, the Times of Commencement and Completion of every such Building, Alteration, or other Work :

District Surveyor to make monthly Returns of Notices received, Works supervised, Services performed, and Fees charged.

And every Sheet of every such Return shall be signed by such Surveyor, and if so signed it shall be deemed to be a Certificate that all the Works enumerated therein as completed have been

Return duly signed to be a Certificate that Works are agreeable to Act ;

but not to  
hinder future  
Proceedings.

been done in all respects agreeably to this Act, according to the best of his Knowledge and Belief, and that they have been duly surveyed by him; but no such Return shall be any Protection from or Hindrance to any future Proceedings in respect of Works not executed according to the Provisions of this Act, though the same may 5 have been done before the making of such Return.

Treasurer  
to audit  
Accounts of  
Fees charged  
by District  
Surveyors,  
and to report  
in case of  
Excess.

LXIV. It shall be the Duty of the Treasurer to be appointed under this Act from Time to Time to audit and examine the said monthly Returns made by the District Surveyors respectively, so far as the same relate to the Fees charged or received by them in respect of 10 Services performed or alleged to have been performed under this Act; and in case any of such Fees shall appear to the Treasurer, upon due Inquiry, to be unauthorized by this Act, or to exceed in amount the Rates thereby made payable, or in case any such Account shall appear to be in any respect fraudulent or untrue, the Treasurer shall make his 15 Report in Writing to that Effect to the Court; and in case the Judge, upon Inquiry by him made, shall think that such Report ought to be confirmed, he shall confirm the same, and shall thereupon cause the Proceedings and Penalties by this Act directed to be taken and enforced in such Cases to be taken and enforced against the District 20 Surveyor so offending; and the Judge shall also, if in his Opinion the Circumstances of the Case render it in his Judgment fit and proper so to do, transmit the said Report, with his Observations thereon, to the Commissioners of Works and Buildings.

Remedies  
and Penalties  
against Mis-  
conduct of  
Officers.

LXV. If any District Surveyor, Clerk, Bailiff, or other Officer 25 acting or assuming to act under the Powers of this Act, or under Colour or Pretence of the Process of the Court of Metropolitan Buildings, shall be charged with any Misconduct, Negligence, or wilful Default in the Performance of his Duty, it shall be lawful for the Judge, upon Complaint made to him, to inquire into the Matter 30 in a summary Way, and for that Purpose to summon and enforce the Attendance of the Party charged or complained against, and of all other necessary Parties, in like Manner as the Attendance of Witnesses may be enforced under the Provisions of this Act, and after such Inquiry had to make such Order for the Repayment of any Money 35 unduly received, or for the Payment of such Compensation and Costs to any Party aggrieved or injured in respect to the Matter in question, as he shall think just, and also, if he think fit, to impose such Fine upon the District Surveyor, Clerk, Bailiff, or other Officer, not exceeding *Ten Pounds* for each Offence, as he shall deem adequate; 40 and in default of Payment of any Money so ordered to be paid Payment of the same may be enforced by such Ways and Means as are herein-before provided for enforcing the Payment of any Monies payable by Order of the Court.

LXVI. Any

LXVI. Any District Surveyor, Treasurer, Clerk, Bailiff, or other Officer employed in putting this Act or any of the Powers thereof into execution, who shall wilfully and corruptly exact, take, or accept any Fee or Reward whatsoever, other than and except such  
 5 Fees as are or shall be appointed and allowed respectively as aforesaid, for or on account of anything done or to be done by virtue of this Act, or on any Account whatever relative to putting this Act into execution, or who shall omit to pay over or account for any Monies received by him in the Execution of this Act, shall, upon  
 10 Proof of any such Act or Omission, as the Case may be, before the said Court, and on Allowance of the finding of the Court by the Commissioners of Works and Buildings, be for ever incapable of serving or of being employed under this Act in any Office of Trust or Profit, and shall also be liable for Damages at the Suit of the Party  
 15 aggrieved.

Penalty on  
Officers for  
Extortion or  
Fraud.

LXVII. If any District Surveyor be prevented by Illness, Infirmary, or any other unavoidable Circumstance, from attending to the Duties of his Office, he is hereby authorized and required, but subject to the previous Consent and Approval of the Judge of Metropolitan  
 20 Buildings, to appoint some other Person duly qualified for the Office of District Surveyor as his Deputy, to perform all such his Duties for so long a Time as he shall be so prevented from executing them; and thereupon, during such Time as aforesaid, it shall be the Duty of such Deputy Surveyor and he is hereby required to perform all the  
 25 Duties of such District Surveyor in all respects as if he were the District Surveyor appointed under this Act.

District Surveyor, in case of Illness or Absence, may appoint Deputy, subject to Consent of Judge.

Deputy to act as District Surveyor.

LXVIII. If at any Time it appear to the said Judge that on account of the Pressure of Business in any District, or any other Account, the Surveyor of that District cannot discharge his Duties  
 30 promptly and efficiently, then it shall be lawful for such Judge and he is hereby empowered to appoint any other District Surveyor to assist the Surveyor of such District in the Performance of his Duties, or to appoint some other Person duly qualified for the Office of District Surveyor as aforesaid to give such Assistance; and with  
 35 regard to all Buildings to be surveyed, and all other Acts to be done by him, it shall be the Duty of such Assistant Surveyor to act in all respects as if he had been appointed to be the permanent Surveyor of such District, and to charge and receive the Fees payable to the District Surveyor under this Act.

Assistant Surveyor may be appointed on Emergency.

Assistant Surveyor to act as District Surveyor.

LXIX. If any Building be built, rebuilt, enlarged, or altered, or any other Work or Operation subject to any of the Rules and Directions of this Act be performed therein, by or under the Superintendence  
 69.

District Surveyor not to act in case of Works under his profes-

tendence



sional Super-  
intendence.

tendence of any District Surveyor acting professionally or on his own private Account, it shall not be lawful for the same Surveyor to survey any such Building for the Purposes of this Act, or to act as District Surveyor in respect thereof or in any Matter connected therewith, but it shall be his Duty to give Notice thereof to the said Judge, 5 who shall then appoint some other District Surveyor, or other Person duly qualified for the Office of District Surveyor as aforesaid, to act in respect of any such Matter.

And for providing against Injury, Loss, and Inconvenience in certain Cases from the Application of this Act, be it enacted, 10

If any Rule  
would defeat  
the Purposes  
of the Act,  
or be inju-  
rious;

LXX. That if any of the Rules or Directions of this Act be found to defeat the Purposes of this Act, or needlessly to affect with Injury the Course or Operation of any Trade or Business, or to obstruct the advantageous Use or Conversion of Buildings, or to hinder the Adoption of Improvements or of Expedients either better or sufficiently 15 well adapted for accomplishing the Purposes of this Act;

or would be  
attended with  
Loss in case  
of existing  
Buildings;

Or if in rebuilding any Building already built, or in executing any Work upon any such Building, a full Compliance with the Rules and Directions of this Act will be attended with any special Injury, Loss, 20 or Inconvenience;

or would be  
at variance  
with a Build-  
ing Lease  
already  
made;

Or if in any Case any Rules or Directions of this Act be at variance with or prevent the due Observance of the Covenants, Agreements, or Conditions contained in any Lease, or Agreement for a Lease, being of the Nature of a Building Lease, made before the passing of this Act; 25

Representa-  
tion to be  
made claim-  
ing a Modifi-  
cation.

Then and in every such Case it shall be lawful for any Person affected or who may be affected by such Rules or Directions to make a Representation in Writing to the Court of Metropolitan Buildings claiming a Modification of any such Rules and Directions, either with reference to any particular Case, or permanently and generally, and 30 setting forth the Grounds upon which such Modification is claimed:

Court of  
Metropolitan  
Buildings to  
certify their  
Opinion.

And upon receiving such Representation the said Court shall inquire into the Subject Matter and Grounds thereof, and shall certify their Opinion thereon, together with the Grounds of their Opinion, to the Commissioners of Works and Buildings: 35

Commission-  
ers of Works  
and Build-  
ings may  
make Modifi-  
cation.

And if such Commissioners, or any Two of them, be of opinion that by such Modification, either unconditionally, or upon the Observance of any Terms, Conditions, or Restrictions, the Objects of this Act will be attained, either better, or as effectually, or with sufficient Effect, then it shall be lawful for such Commissioners to make such 40 a Modification of the Rules and Directions of this Act, either with regard to any particular Case, or permanently and generally, as they shall deem expedient, and either unconditionally, or upon the Observance of any Conditions, Terms, or Restrictions which it may appear to

to them to be expedient to impose; and if such Modification shall be intended to apply to some particular Case only, then, upon the same being signed by the said Commissioners or any Two of them, and registered in the Court of Metropolitan Buildings, or if such Modification be to affect generally and permanently any Rules and Directions of this Act, then upon such Modification being signed as aforesaid, and registered in the Court of Metropolitan Buildings, and being published in the London Gazette, and in at the least One Newspaper published and circulating within the local Limits of this Act, such Modification shall come into operation, and, with reference to the Case or Cases to which the same shall be intended to apply, shall have the same Effect as if the Rules and Directions, Conditions, Terms, or Restrictions of such Modification had been expressly enacted herein: Provided, that it shall be the Duty of the Clerk of Metropolitan Buildings, immediately on registering any such Modification as aforesaid, to send a Copy thereof, under the Seal of the Court, to each of the District Surveyors for the Time being:

Special Modifications to come into effect on being signed and registered; and general Modifications, on being signed, registered, and published. Modifications to have Effect as if enacted.

Provided also, that on such a Representation and Certificate as aforesaid it shall from Time to Time be lawful for the said Commissioners, if they see fit, to rescind any general Modification made by virtue of this Act, or to alter any such Modification by any future Modification, duly signed, registered, and published as aforesaid.

Modifications may be rescinded or altered.

And for regulating the Supervision of Buildings, and for providing for the Removal or Amendment of Irregularities, be it enacted,

*Supervision of Buildings.*

LXXI. That every Private Building shall be built and rebuilt, and every Addition, Alteration, or other Work or Operation to or upon any such Building, affected by any of the Rules and Directions of this Act, shall be executed, under the Supervision of the District Surveyor:

Private Buildings to be supervised by the District Surveyor.

And every Public Building as defined by this Act shall be built and rebuilt, and every Addition, Alteration, or other Work or Operation to or upon any such Building, affected by any of the Rules and Directions of this Act, shall be executed, under the Supervision of the Architectural Referee.

Public Buildings by the Architectural Referee.

LXXII. It shall be the Duty of the Architectural Referee and of the District Surveyors respectively, and they are hereby required, from Time to Time, upon Receipt of any Notice pursuant to the Provisions herein contained, and also upon any Work affected by the Rules and Directions of this Act, but in respect of which no Notice shall have been given, being observed by or made known to them respectively, and also from Time to Time during the Progress of any Works affected by the Rules and Directions of this

District Surveyors and Architectural Referee to cause Rules of Act to be observed.

Act, when and as often as shall be necessary for securing the due Observance of such Rules and Directions, to survey any Building or Work hereby placed under their Supervision respectively, and to cause all the Rules and Directions of this Act to be duly observed.

5

Builder to give Notice to District Surveyor before commencing or resuming building, or in case of Change of Builder.

LXXIII. Two Days before any Private Building, or any Addition, Alteration, or other Work or Operation as aforesaid, to, of, or upon any Private Building, be commenced, and Four Days before any Public Building, or any Addition or Alteration or other Work or Operation as aforesaid, to, of, or upon any Public Building, be commenced, and also if the Progress of any such Building, Work, or Operation shall, after the Commencement thereof, be suspended for any Period exceeding Three Months, then, if the Building be a Private Building, Two Days before such Building, Work, or Operation shall be resumed or recommenced, and, if the Building be a Public Building, Four Days before such Building, Work, or Operation shall be resumed or recommenced, and also if, during the Progress of any such Building, Work, or Operation, the Builder employed thereon shall be changed, then, if the Building be a Private Building, Two Days before any new Builder shall enter upon the Continuance of such Building, Work, or Operation, and, if the Building be a Public Building, then Four Days before any new Builder shall enter upon the Continuance of such Building, Work, or Operation, it shall be the Duty of the Builder engaged in building or rebuilding such Building, or in executing such Work or Operation, or in continuing such Building, Work, or Operation, and he is hereby required, to give to the District Surveyor, at his Office, Notice in Writing ; and such Builder shall state in such Notice the local Situation and intended Use of the Building, or of the several Buildings about to be commenced, or to or in which any Addition, Alteration, or other Work or Operation is to be made or executed, and the Number of such Buildings, if more than One, and also the Rate of any such Building or of each of such several Buildings, and also the Particulars of any such proposed Addition, Alteration, or other Work or Operation :

35

In case of Public Buildings, District Surveyor to communicate Notice to Architectural Referee.

And forthwith upon receiving any such Notice with respect to any Building hereby placed under the Supervision of the Architectural Referee it shall be the Duty of the District Surveyor to transmit such Notice to the Architectural Referee, and also forthwith, upon observing or being informed of the Commencement within his District of any such Building, Work, or Operation in respect of which no Notice shall have been given as hereby required, it shall be the Duty of the District Surveyor to inform the Architectural Referee thereof :

And

And if, before the Completion of any such Building, Addition, Alteration, or other Work or Operation, it be intended to build, make, or execute the same otherwise than according to the Particulars in such Notice set forth, then it shall be the Duty of the  
 5 Builder forthwith to give another Notice to the District Surveyor, stating therein the Particulars aforesaid; and if the Building, Addition, Alteration, or other Work or Operation to which such Notice shall relate, shall be a Building, Addition, Alteration, Work, or Operation hereby placed under the Supervision of the Architectural  
 10 Referee, it shall be the Duty of the District Surveyor, immediately on Receipt of such Notice, to transmit the same to the Architectural Referees.

LXXIV. Every Notice which shall be given in pursuance of this Act shall be taken and deemed, in any Question with the Builder,  
 15 Owner, or Occupier of the Building, Work, or Operation therein referred to, relative to such Building, Work, or Operation, to be sufficient Evidence, as against such Builder, Owner, or Occupier, of the Nature of the Building, Work, or Operation proposed to be built or executed :

Notice to be  
Evidence of  
intended  
Works.

20 And if any Builder neglect to give such Notice in any of the Cases aforesaid, or before such Notice, or before the Expiration of any of such Periods of Two Days and Four Days respectively, do any of the Acts or Things aforesaid, then in every such Case such Builder shall for every such Neglect forfeit and pay to the District Surveyor  
 25 or to the Architectural Referee, as the Case may be, treble the Amount of the Fees which such District Surveyor or Architectural Referee would have been entitled to receive, according to the Provisions herein contained, for supervising such Building, Work, or Operation when built or executed conformably to the Rules and  
 30 Directions of this Act, and shall further forfeit for every such Neglect a Sum not exceeding *Ten Pounds* :

Builder to  
be fined in  
default of  
Notice.

Provided always, that if by reason of any Emergency any Act, Matter, or Thing be required to be done immediately, or before Notice can be given as aforesaid, then it shall be lawful to do such  
 35 Act, Matter, or Thing so required to be done, but upon Condition that before the Expiration of *Forty-eight* Hours after such Act, Matter, or Thing shall have been begun Notice thereof be given to the District Surveyor or to the Architectural Referee, as the Case may be.

In case of  
Emergency,  
Works may  
be com-  
menced  
without  
Notice.

40 LXXV. If in building or rebuilding any Private Building, or in executing to, in, or upon any Private Building any such Work or Operation, any Work or Thing be done or executed contrary in any  
 69. respect

District  
Surveyor to  
give Notice  
in case of

irregular  
Works;

respect to any of the Rules and Directions of this Act, or if any Work or Thing required by this Act be omitted to be done or executed;

or in case of  
Works sup-  
posed to be  
irregular;

Or if the District Surveyor, on surveying or inspecting any such Building or Work, shall find that the same is so far advanced that he cannot ascertain whether any Work or Thing has been done or executed contrary to the Rules and Directions of this Act, or whether any Work or Thing required by the Rules and Directions of this Act has been omitted to be done or executed;

or in case of  
a dangerous,  
noxious, or  
offensive  
Business;

Or if the District Surveyor shall at any Time receive Information or otherwise become cognizant that any dangerous, noxious, or offensive Manufacture, Trade, or Business has subsequently to the passing of this Act been commenced or carried on in any Premises, contrary to the Rules and Directions of this Act;

or in case of  
dangerous  
Buildings,  
or Parts  
thereof;

Or if the District Surveyor shall at any Time receive Information or otherwise become cognizant that any Building whatsoever, whether now built or hereafter to be built, or any Part of or Appendage to any Building, is, either from natural Decay, Accident, Damage, or original Malconstruction, or any other Cause, in such a Condition as to be dangerous;

to Builder  
or Foreman  
in case of  
irregular  
Works;

Then and in every such Case it shall be the Duty of the District Surveyor to give to the Builder employed or acting at the Time in the building or rebuilding of any such Building, or in doing or executing any such Work or Operation which shall be contrary to this Act as aforesaid, or to any Foreman or principal Workman on the Premises acting under such Builder, or to the Owner or Occupier of such Building, or to the Owner or Occupier of any such dangerous Building, or to the Person by whom any such dangerous, noxious, or offensive Manufacture, Trade, or Business shall have been commenced or shall be carried on, or to the Owner or Occupier of the Premises whereon the same shall have been commenced or shall be carried on, a Notice in Writing requiring him within *Forty-eight* Hours to cause any Work or Thing so contrary to the Rules and Directions of this Act to be amended; or any Work or Thing required to be done by this Act, but which has been omitted to be done, to be done and executed; or

to Owner or  
Occupier  
in case of a  
dangerous  
Building, or  
dangerous,  
noxious, or  
offensive  
Business;

requiring  
Amendment  
of Irregu-  
larity or  
opening of  
concealed  
Irregularity;  
or Removal  
of dangerous,  
noxious, or  
offensive  
Business;

so much of any Building or Work as prevents such District Surveyor from ascertaining whether any Work or Thing has been done or omitted to be done as aforesaid to be to a sufficient Extent cut into, laid open, or pulled down; or requiring him within *Fourteen* Days to permanently discontinue and remove, or cause to be permanently discontinued and removed, any dangerous, noxious, or offensive Manufacture, Trade, or Business which shall have been commenced or carried on as aforesaid, or to adopt such Means and Expedients as shall be sufficient to render such Manufacture, Trade, or Business free from Danger,

Danger, Noxiousness, or Offensiveness; or requiring him, within Fourteen Days thence next ensuing, to pull down or demolish or sufficiently repair any Building, or any Part or Appendage of any Building, which shall be dangerous as aforesaid; and if such District  
 5 Surveyor shall be of opinion that it is necessary, for preventing Injury to any Person or Property, that, until such dangerous Building, Part or Appendage, be pulled down or demolished, or sufficiently repaired as aforesaid, the same should be shored up or hoarded in, or otherwise properly secured, then it shall further be the Duty of such District  
 10 Surveyor by such Notice to require the Owner or Occupier of such dangerous Building forthwith to cause the same to be so shored up, hoarded in, or otherwise properly secured.

or Demolition or Repair of a dangerous Building, and, if necessary, shoring or hoarding in of the same.

LXXVI. Upon giving any Notice requiring any dangerous Building, Part or Appendage to be shored up, hoarded in, or otherwise  
 15 properly secured as aforesaid, it shall further be the Duty of the District Surveyor to certify in Writing under his Hand the Condition of such Building, Part or Appendage, and to transmit such Certificate, if such Building be situate within the City of London, then to the Lord Mayor of the said City, or if situate elsewhere, and within the  
 20 local Jurisdiction of any Commissioners of Pavements, then to the Surveyor of Pavements, or if situate elsewhere than in the said City, and there be no Commissioners of Pavements having Jurisdiction where such Building is situate, then to the Overseers of the Poor of the Parish within which such Building is situate:

District Surveyor to certify to Lord Mayor, Surveyor of Pavements, or Overseers;

25 And forthwith upon Receipt of such Certificate it shall be the Duty of the Lord Mayor, Surveyor of Pavements, or Overseers respectively, and they are hereby respectively authorized and required, if the Owner or Occupier of such Building has not caused the same, or such dangerous Parts or Appendages thereof, to be shored up and  
 30 hoarded in, or otherwise made sufficiently secure, in pursuance of the Notice to that Effect from the District Surveyor, to cause the same to be done forthwith.

who are to shore up and hoard in dangerous Buildings.

LXXVII. And upon the Expiration of *Forty-eight* Hours from the Service of any Notice to amend any Work or Thing contrary to  
 35 the Rules and Directions of this Act as aforesaid, or to do any Work or Thing omitted to be done as aforesaid, or to cut into, lay open, or pull down any Work as aforesaid, and upon the Expiration of Fourteen Days from the Service of any Notice to permanently discontinue and remove any dangerous, noxious, or offensive Manufacture, Trade,  
 40 or Business; or to adopt such Means and Expedients as shall be sufficient to render the same free from Danger, Noxiousness, or Offensiveness, or to pull down, demolish, or sufficiently repair any dangerous Building, Part or Appendage, as aforesaid, it shall be the

District Surveyor to survey upon Expiration of Notice.

Duty of the District Surveyor and he is hereby required to survey such Building or Work, or the Building or Premises in or upon which any such dangerous, noxious, or offensive Manufacture, Trade, or Business has been commenced or carried on :

District  
Surveyor to  
refer the  
Matter where  
Notice is not  
complied  
with to the  
Court of  
Metropolitan  
Buildings.

And if it shall then be found that any such Work or Thing has 5  
not been amended or done, or that any such Work has not to a  
sufficient Extent been cut into, laid open, or pulled down, or that  
any such dangerous, noxious, or offensive Manufacture, Trade, or  
Business has not been permanently discontinued or removed, or that  
sufficient Means and Expedients for rendering the same free from 10  
Danger, Noxiousness, or Offensiveness have not been adopted, or that  
any such dangerous Building, Part or Appendage, has not been begun  
to be pulled down, demolished, or sufficiently repaired, or that the  
Operation of pulling down, demolishing, or sufficiently repairing such  
dangerous Building, Part or Appendage, is not proceeding with all 15  
due Despatch, then it shall be the Duty of the District Surveyor to  
refer the Matter, as herein-before provided, to the Court of Metro-  
politan Buildings.

Court em-  
powered to  
make Order  
according to  
the Nature  
of the Case.

LXXVIII. If upon such Reference of the Matter to the said Court  
it shall appear that any Breach of the Rules and Directions of this 20  
Act has been committed, or that there is good Reason to suppose that  
any Breach has been committed and is concealed, or that such Manu-  
facture, Trade, or Business is dangerous, noxious, or offensive, and  
that the same has not been permanently discontinued and removed,  
or rendered free from Danger, Noxiousness, or Offensiveness, as 25  
aforesaid, or that any such Building, Part or Appendage, is dangerous,  
as aforesaid, then it shall be lawful for the said Court to order that  
the Building in which any Work or Thing contrary to the Rules and  
Directions of this Act has been done, or in which any Work or Thing  
required by this Act has been omitted to be done, be amended, 30  
pulled down, or removed, or that any Work or Thing which there is  
good Reason to suppose conceals any Breach of the Rules and Direc-  
tions of this Act be to a sufficient Extent cut into, laid open, or  
pulled down, or that any dangerous, noxious, or offensive Manufac-  
ture, Trade, or Business be forthwith permanently discontinued and 35  
removed, or that any dangerous Building, or any dangerous Part or  
Appendage of any Building, be pulled down, demolished, or suffi-  
ciently repaired, or to make or give such other Order or Directions as  
the Case shall require.

District  
Surveyor  
empowered  
to carry  
Order of  
Court into  
execution.

LXXIX. And if within *Forty-eight* Hours after Notice by the 40  
District Surveyor in that Behalf any Building, Work, Matter, or  
Thing which by any such Order of the Court as aforesaid shall have  
been directed to be cut into, laid open, or pulled down for the Pur-  
pose

pose of ascertaining whether any Breach of the Rules and Directions of this Act has been committed, shall not be so cut into, laid open, or pulled down to a sufficient Extent, then the District Surveyor shall proceed, with a sufficient Number of Workmen or other Persons, to  
 5 cut into, lay open, or pull down such Parts of such Building, Work, Matter, or Thing as may be sufficient for the Purpose aforesaid, and shall be entitled, if the Court shall so order, to recover the Costs and Expenses of such cutting into, laying open, or pulling down from the Builder, Owner, or Occupier of such Building, Work, Matter, or  
 10 Thing, as the Court may direct.

LXXX. If at any Time before the Commencement of or during the building or rebuilding of any Public Building, or the Execution of any Addition, Alteration, or other Work or Operation thereon, hereby placed under the Supervision of the Architectural Referee, the said  
 15 Architectural Referee shall so require, it shall be the Duty of the Architect or Builder to transmit to him sufficient Drawings or other Description of such Works :

Architect of intended Public Building to furnish Drawings, if required.

And if such Architect or Builder shall at any Time require, it shall be the Duty of such Architectural Referee, by special Certificate  
 20 in that Behalf, to certify his Opinion whether such Building may or may not, having Reference to the Purposes thereof, be built, rebuilt, or such Work or Operation executed, on the Site and in the Manner proposed, in conformity with the Rules and Directions of this Act, and with due Regard to the Safety of the Public.

Architectural Referee to certify thereupon, if required.

LXXXI. If at any Time it shall appear to such Architectural Referee that any such Building, Addition, Alteration, or other Work, or any Part thereof, is in any respect contrary to the Rules and Directions of this Act, or is, having reference to the Purposes thereof, defective, insufficient, or insecure, such Referee shall give Notice to the  
 30 Builder, requiring him forthwith to amend or strengthen such irregular, defective, insufficient, or insecure Parts :

Architectural Referee to give Notice of irregular, defective, insufficient, or insecure Works.

And upon the Completion of any such Building, Addition, Alteration, or other Work, the Builder shall give Notice thereof to the Architectural Referee :

Builder to give Notice on Completion.

35 And thereupon the said Referee shall again survey such Building :

Referee again to survey ; and if not satisfied, to give Notice.

And if upon such Survey such Referee shall not be satisfied that such Building, Addition, Alteration, or other Work has been completed according to the Rules and Directions of this Act, or that the same is of sufficient Strength, then such Referee shall give to the  
 40 Builder Notice that he is not satisfied, and in what respect :

And if any Builder shall execute or commence to execute any Work which the Architectural Referee shall have certified may not be  
 69. done

Architectural Referee to proceed as District



Surveyor in  
case of Irre-  
gularity ;

done with due Regard to the Safety of the Public and the Objects of this Act, or shall fail to amend any irregular, defective, or insecure Works in any such Public Building within *Forty-eight* Hours after Notice to that Effect from such Referee as aforesaid, it shall be the Duty of the said Referee to refer the Matter, as herein-after provided, 5 to the Court of Metropolitan Buildings, and thereupon such Proceedings shall be had as in other Cases of Reference to the said Court under this Act :

and if satis-  
fied, to  
certify.

And if upon the Completion of any Building, Addition, Alteration, or other Work by this Act placed under his Supervision the Archi- 10 tectural Referee shall be satisfied that the same has been completed according to the Rules and Directions of this Act, and is of sufficient Strength and sufficiently set to be safe, then it shall be his Duty and he is hereby required to make a Certificate to that Effect :

Building not  
to be used  
without  
Certificate.

And until such Certificate be made it shall not be lawful for any 15 Person to use or continue to use such Building for any Purpose :

Penalty for  
using the  
Building  
without  
Certificate.

And if the Owner of any such Building shall use the same, or shall cause or knowingly permit the same to be used, for any Purpose whatever, before the Architectural Referee shall have certified his Satisfaction therewith as aforesaid, then every such Owner shall forfeit 20 and pay a Sum not exceeding *Two hundred Pounds* for every Day during which such Building shall be so used, to be recovered by Action in any of Her Majesty's Superior Courts.

Fees to be  
paid in  
respect of  
Supervision  
of Public  
Buildings.

LXXXII. There shall be paid to the Architectural Referee, in respect of the Supervision of Public Buildings, and of Additions, 25 Alterations, or other Works or Operations in or to Public Buildings, such and the same Fees as are by this Act made payable to a District Surveyor in respect of Private Buildings, or of Additions, Alterations, or other Works or Operations of a similar Kind to Private Buildings of the same Rate and Dimensions, according to the Table of Fees 30 appointed in the Schedule (M.) to this Act annexed, and in respect of the Supervision of Bridges, Piers, Jetties, Embankment Walls, Retaining Walls, Wharf or Quay Walls, and other such Structures, such Fees as the Commissioners of Works and Buildings shall from Time to Time appoint; and the Architectural Referee shall defray 35 out of such Fees all Costs, Charges, and Expenses incident to such Supervision; and such Fees shall be paid and payable by such and the same Persons and at such and the same Time as Fees to District Surveyors are by this Act made payable; and the Architectural Referee shall make and render such and the same Returns and 40 Accounts of Public Buildings, and of Additions, Alterations, or other Works or Operations, supervised by him, and of the Fees charged and received,

Expenses of  
such Super-  
vision to be  
paid out of  
the Fees.

Returns to  
be made of  
Public  
Buildings  
supervised.

received, and of the Costs, Charges, and Expenses defrayed by him in respect thereof, as are by this Act required to be made by District Surveyors in respect of Private Buildings and Works; and the Accounts rendered by the Architectural Referee of the Fees charged  
 5 and received by him, and of the Costs, Charges, and Expenses defrayed by him as aforesaid, shall be audited in like Manner by the Treasurer to be appointed under this Act.

And for providing for the Removal or Amendment of irregular and dangerous Buildings, and the Discontinuance and Removal of dan-  
 10 gerous, noxious, or offensive Manufactures, Trades, and Businesses, be it enacted,

LXXXIII. That if within *Four Days* after being served with any Order of the Court of Metropolitan Buildings, as herein-before provided, any Person, being the Owner or Occupier of any dangerous  
 15 Building, or dangerous Part or Appendage of a Building, or any Person commencing or carrying on a dangerous, noxious, or offensive Manufacture, Trade, or Business, as aforesaid, fail to fulfil and perform the Directions in such Order contained, then and in every such Case every such Building, Manufacture, Trade, or Business shall be  
 20 deemed to be a public Nuisance; and it shall be lawful for the District Surveyor and he is hereby authorized and required, by Summons in Writing, directed to the Builder, Owner, or Occupier of such Building, or the Person by whom or the Owner or Occupier of the Premises whereon any such dangerous, noxious, or offensive Manu-  
 25 facture, Trade, or Business shall have been commenced or carried on, and served according to the Provisions of this Act, to summon such Builder, Owner, Occupier, or Person before the said Court, at a Time and Place in such Summons to be mentioned:

Buildings and Businesses contrary to this Act to be deemed public Nuisances, if the Order of the Court be not fulfilled.

District Surveyor to summon Party in default before the Court.

And if such Builder, Owner, or Occupier, or Person, as the Case  
 30 may be, fail to attend before such Court at the Time and Place mentioned in such Summons, then it shall be lawful for the Judge of the said Court and he is hereby authorized and required, upon Proof of the Delivery or Service of such Summons as aforesaid, to issue his Warrant to apprehend such Builder, Owner, Occupier, or Person, as  
 35 the Case may be, and to bring him before the said Court, at some Time or Place in the said Warrant to be mentioned.

Court to issue Warrant on Failure to attend.

LXXXIV. Upon such Builder, Owner, Occupier, or other Person appearing before the said Court, in pursuance either of such Summons or of such Warrant, then such Builder, Owner, Occupier, or Person  
 40 shall enter into a Recognizance, in such a Sum as the said Court shall appoint, to amend, pull down, remove, demolish, or sufficiently repair, (as the Case may be,) within a convenient Time to be appointed by such Court, the Building, Work, Part, or Appendage  
 69. K referred

Party in default to enter into Recognizance to amend Irregularities;

referred to in the said Order, or to permanently discontinue and remove such dangerous, noxious, or offensive Manufacture, Trade, or Business, and also to do and perform every other lawful Act, Matter, or Thing by the said Order directed to be done or performed, and also to pay all the Costs, Charges, and Expenses 5 appointed in such Order to be paid by such Builder, Owner, Occupier, or Person, and also the Costs, Charges, and Expenses attending the Proceedings before the said Court.

Judge to  
commit, on  
Failure to  
enter into  
Recogni-  
zance.

LXXXV. If such Builder, Owner, Occupier, or Person shall refuse or neglect to enter into such Recognizance as aforesaid, then 10 it shall be lawful for the said Judge and he is hereby authorized and required to commit such Builder, Owner, Occupier, or Person to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have entered into such Recognizance as aforesaid, or until such Building or Work shall have been pulled 15 down, abated, or otherwise amended, or such dangerous, noxious, or offensive Manufacture, Trade, or Business shall have been permanently discontinued and removed, and until all such Costs, Charges, and Expenses shall have been paid :

Recogni-  
zance to be  
forfeited, on  
Failure to  
perform  
Conditions  
thereof.

And if any Builder, Owner, Occupier, or Person who shall have 20 entered into any Recognizance as aforesaid shall fail or neglect, within the Time appointed by such Court, to do and perform the several Acts, Matters, and Things conditioned to be performed in such Recognizance, then such Recognizance shall become forfeited, and the Sum therein mentioned shall be levied, recovered, and estreated in 25 manner herein-after provided.

District Sur-  
veyor may  
apply for  
Abatement  
of Nuisance,  
in case Di-  
rections of  
the Court  
have not  
been fulfilled;

LXXXVI. At any Time after it shall have been directed by any Order of the said Court made by virtue of the Provisions of this Act that any Building which has been built or rebuilt, or to or in which any Addition, Alteration, or other Work or Operation shall have 30 been done or executed, contrary to the Rules and Directions of this Act, or in which any Work or Thing required by this Act has been omitted to be done, shall be amended, pulled down, or removed, or that any dangerous Building, or any dangerous Part or Appendage of any Building, shall be pulled down, demolished, or sufficiently 35 repaired, or after it shall have been determined by the said Court that any Manufacture, Trade, or Business is dangerous, noxious, or offensive as aforesaid, or that any Means and Expedients which may have been adopted for rendering such Manufacture, Trade, or Business free from Danger, Noxiousness, or Offensiveness, have been 40 insufficient for the Purposes thereof, then and in every such Case it shall be lawful for the District Surveyor (and that whether any Proceedings for taking any Recognizance of the Builder, Owner, or Occupier of

whether Pro-  
ceedings for  
taking or en-  
forcing Re-

of such Building, or of the Person by whom or the Owner or Occupier of the Premises whereon such dangerous, noxious, or offensive Manufacture, Trade, or Business shall have been commenced or carried on, or any Proceedings for enforcing any such Recognizance, have been  
 5 taken or not,) to make Application to the said Court for the Abatement or Removal of any such Building, Work, Part, or Appendage, or for the permanent Discontinuance and Removal of such dangerous, noxious, or offensive Manufacture, Trade, or Business.

LXXXVII. And upon Proof of such Order, and that a Copy  
 10 thereof has been served upon the Builder, Owner, or Occupier of such Building, or on the Person by whom or the Owner or Occupier of the Premises whereon such dangerous, noxious, or offensive Manufacture, Trade, or Business shall have been commenced or carried on, as the Case may be, and that such Building, Work, Part, or Appendage has not been  
 5 pulled down, removed, demolished, or sufficiently amended or repaired, or such dangerous, noxious, or offensive Manufacture, Trade, or Business permanently discontinued and removed, pursuant to the Directions in such Order contained, it shall be lawful for the Judge of the said Court and he is hereby authorized and required to issue his Warrant,  
 20 directed, if such Building, or the Premises whereon such dangerous, noxious, or offensive Manufacture, Trade, or Business has been commenced or carried on, be within the City of London, then to the Lord Mayor of such City, or if the same be situate elsewhere than in the said City, and be within the local Jurisdiction of any Commis-  
 25 sioners of Pavements, then to the Surveyor of Pavements, or if the same be situate elsewhere than in the said City, and be not within the local Jurisdiction of any Commissioners of Pavements, then to the Overseers of the Poor of the Parish within which such Building or Premises is or are situate, and authorizing such Lord Mayor, Sur-  
 30 veyor of Pavements, or Overseers, (as the Case may be,) to pull down, remove, or demolish such Building, Work, Part, or Appendage, or such Part thereof as may be contrary to the Rules and Directions of this Act, or which may be dangerous as aforesaid, or to permanently remove and abate such dangerous, noxious, or offensive  
 35 Manufacture, Trade, or Business, and, if deemed requisite, to pull down and remove any Building wherein the same shall have been commenced or carried on, and the Machinery, Utensils, Materials, and other Matters and Things whatsoever used in such Manufacture, Trade, or Business.

40 LXXXVIII. And with all convenient Speed after the Receipt of such Warrant it shall be the Duty of such Lord Mayor, Surveyor of Pavements, or Overseers, (as the Case may be,) and they are hereby respectively authorized and required, to cause such Building, Work,  
 69. Part,

cognizance  
be taken or  
not.

Upon Pro-  
duction of  
Order, and  
Proof of Ser-  
vice thereof,

and that Ir-  
regularity  
has not been  
amended,

Judge to  
issue War-  
rant directed  
to Lord  
Mayor,

Surveyor of  
Pavements,

or Overseers,

authorizing  
Abatement  
of Nuisance.

Lord Mayor,  
Surveyor of  
Pavements,  
or Overseers  
to abate  
Nuisance.

Part, or Appendage, or such Part thereof as may be contrary to the Rules and Directions of this Act, to be pulled down, removed, or demolished, or such dangerous, noxious, or offensive Manufacture, Trade, or Business to be removed and abated, pursuant to the said Warrant; and the reasonable Costs and Expenses of pulling down, 5 removing, or demolishing any Building, Work, Part, or Appendage, or of removing and abating any dangerous, noxious, or offensive Manufacture, Trade, or Business, and also the Costs and Expenses of shoring up, hoarding in, or otherwise making secure the same, if the same shall have been shored up, hoarded in, or otherwise made 10 secure, under the Provisions herein-before enacted, and also the Fees and Expenses of the Surveyor, and of any Proceedings by or before the said Court, and any other Costs and Expenses incurred under this Act in relation to such Building, Work, Part, or Appendage, or such dangerous, noxious, or offensive Manufacture, Trade, or Busi- 15 ness, shall in the first instance be paid and advanced, if such Building, or the Premises whereon such Manufacture, Trade, or Business shall have been commenced or carried on, be within the City of London, then by the Lord Mayor and Aldermen of such City, out of the Cash in the Chamber of London, and if the same be situate elsewhere 20 than in the said City, and shall be within the local Jurisdiction of any Commissioners of Pavements, then by such Commissioners, out of the Monies in their Hands for the Purposes of their Commission, and if the same be situate elsewhere than in the said City, and be not within the local Jurisdiction of any Commissioners of Pavements, 25 then by the Overseers of the Poor, out of any Monies raised or to be raised for the Relief of the Poor of the Parish within which such Building or such Premises is or are situate; and it shall be lawful for such Lord Mayor and Aldermen, Commissioners of Pavements, or Overseers respectively to charge such Costs and Expenses to and in 30 any Accounts of such Monies respectively.

On Abatement of Nuisance, Materials to be sold; LXXXIX. And when any Building, Work, Part, or Appendage shall have been pulled down, removed, or demolished, or any dangerous, noxious, or offensive Manufacture, Trade, or Business shall have been removed and abated, under the Authority of the said Court, by 35 the Lord Mayor, Surveyor of Pavements, or Overseers of the Poor, as aforesaid, it shall be lawful for such Lord Mayor and the Aldermen of the City of London, or the Commissioners of Pavements, or such Overseers of the Poor, (as the Case may be,) and they are respectively hereby authorized, to sell and dispose, either by public Auction or 40 private Contract, of the Materials of such Building, Work, Part, or Appendage, or of the Materials of any Building wherein such dangerous, noxious, or offensive Manufacture, Trade, or Business shall have been commenced or carried on, and of the Machinery, Utensils,

Utensils, Materials, and other Matters and Things used in such Manufacture, Trade, or Business, or such Part of such Materials and other Things as they shall judge necessary, and out of the Monies arising from such Sale to pay the Expenses incidental to such Sale, and to repay and refund all the Costs and Expenses which they are respectively herein-before authorized or required to pay and advance in the first instance :

and Costs repaid out of Proceeds of Sale.

And if there be any Surplus of the Monies arising from such Sale, after such Repayment, it shall be the Duty of such Lord Mayor and Aldermen, Commissioners of Pavements, or Overseers, (as the Case may be,) to pay such Surplus, if the same be demanded within Six Years thence next ensuing, to the Owner of such Building, Work, Part, or Appendage, or of the Premises whereon such dangerous, noxious, or offensive Manufacture, Trade, or Business shall have been commenced or carried on ; and until such Demand shall be made, or in default of the same being made within the Six Years aforesaid, such Surplus, if the same be in the Hands of the said Lord Mayor and Aldermen, shall be paid to the Chamberlain of the City of London, and be added to the Monies in the Chamber of the said City, and if the same be in the Hands of the Commissioners of Pavements shall be added by them to the Monies in their Hands for the Purposes of their Commission, and if the same be in the Hands of the Overseers of the Poor shall be added by them to the Monies raised by Rates for the Relief of the Poor.

Surplus to be paid to Owner, on Demand within Six Years ;

and in default of Demand, to be added to Cash in Chamber of London, or to Monies in Hands of the Commissioners of Pavements, or to Monies in the Hands of Overseers.

XC. And if the Monies arising from such Sale as aforesaid be insufficient for paying and refunding all the Costs and Expenses herein-before authorized to be paid or refunded, or where no such Sale of Materials and other Things shall be made, or where the Building, Work, Part, or Appendage shall not be pulled down, removed, or demolished, or the dangerous, noxious, or offensive Manufacture, Trade, or Business shall not be removed, by the said Lord Mayor, Surveyor of Pavements, or Overseers, then and in any of the said Cases respectively it shall be lawful for the said Lord Mayor and Aldermen, and the Commissioners of Pavements, and Overseers of the Poor respectively, and they are hereby authorized, to recover the Amount of such Deficiency, or the Amount of any Costs and Expenses which may have been paid and advanced by them, under the Provisions herein-before contained, from the Owner of such Building, Work, Part, or Appendage, or other the Person bound by Law or Contract to maintain or uphold the same, or the Builder or other Person by whom or under whose Direction the irregular or dangerous Condition of such Building, Work, Part, or Appendage shall have been caused, or from the Person by whom or the Owner of the Premises whereon such dangerous, noxious, or offensive Manufacture, Trade,

Deficiency after Sale,

or Costs, where no Sale made,

to be recovered from Owner or Party in default ;

and if not  
paid to be  
levied ;

or if Owner  
cannot be  
found,  
or Distress  
cannot be  
had, to be  
paid by  
Occupier ;

and if Occu-  
pier refuse,  
to be levied.

Receipt to be  
sufficient  
Discharge  
for Rent.

Costs paid by  
Party not  
liable to be  
recoverable  
by Party in  
default.

Trade, or Business shall have been commenced or carried on ; and if on Demand such Owner, Builder, or other Person shall not pay such Deficiency, or such Costs and Expenses, then it shall be lawful for such Lord Mayor and Aldermen, Commissioners of Pavements, or Overseers of the Poor, (as the Case may be,) to make Application to the said 5 Court of Metropolitan Buildings, and thereupon it shall be lawful for the Judge of the said Court and he is hereby authorized and required to cause the Amount of such Deficiency, or of such Costs and Expenses, to be levied by Distress and Sale of the Goods and Chattels of such Owner, Builder, or other Person, together with the Costs 10 and Expenses of such Distress and Sale, in the Manner directed by this Act ; and if such Owner, Builder, or other Person shall not be known, or cannot be found, or if no sufficient Distress of his Goods and Chattels can be found within the local Limits of this Act, then the Occupier for the Time being of such Building, or of the Pre- 15 mises on which such Building, Work, Part, or Appendage is or shall have been situate, done, or executed, or on which such dangerous, noxious, or offensive Manufacture, Trade, or Business shall have been commenced or carried on, shall pay to such Lord Mayor and Aldermen, Commissioners of Pavements, or Overseers of the Poor, 20 such Deficiency, or the Amount of such Costs and Expenses, (as the Case may be,) out of the Rent (if any) then in arrear in respect of such Building or Premises, or out of any Rent subsequently accruing due ; and if such Occupier neglect or refuse to pay such Charges, or such Part thereof as aforesaid, to the Extent of the 25 Rent due, and from Time to Time falling due, it shall be lawful for the said Judge to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Occupier, together with the Costs of such Distress and Sale :

And the Receipt of the Lord Mayor, Commissioners of Pave- 30 ments, or Overseers, as the Case may be, for such Sums so paid as aforesaid, shall be a sufficient Discharge to such Occupier for so much of such Rent as such Sums shall amount to ; and it shall be lawful for any Occupier by whom Money shall have been paid as aforesaid to deduct or set off the Amount so paid from or against any Claim 35 to be made by the Owner for Payment of the Rent or Rents out of which such Money is hereby made payable.

XCI. And if any Costs or Expenses properly incurred in amend- ing, removing, or causing to be amended or removed, in pursuance of the Provisions of this Act, any irregular Building, Work, Manufac- 40 ture, Trade, or Business, be paid by or recovered from any Occu- pier, Owner, or other Person, not being the Person by whom such Irregularity was made or caused to be made, or not privy to the Commission of such Irregularity, then such Occupier, Owner, or other

other Person shall be entitled, upon Application to the said Court of Metropolitan Buildings, to recover the full Amount of such Costs and Expenses, together with the Costs and Expenses of recovering the same, from the Builder, Owner, or other Person by whose  
 5 Act or Default, or under whose Direction, or with whose Privity, such Irregularity was made or caused to be made; and if any such Costs and Expenses shall relate to the securing, Amendment, or Removal of any dangerous Building, or any dangerous Part or Appendage of any Building, and such Danger shall not have been  
 10 caused by the Act of the Occupier, Owner, or other Person by whom such Costs and Expenses shall have been paid as aforesaid, then such Occupier, Owner, or other Person, upon Application to the said Court as aforesaid, shall be entitled to recover such Costs and Expenses, together with the Costs and Expenses of recovering the same,  
 15 from the Person (if any) causing such Danger, or from the Owner or other Person bound or liable by any Law or Contract to maintain or uphold such Building, Part, or Appendage.

And for further securing the due Observance of the Provisions of this Act, be it enacted,

- 20 XCII. That if any Building be built or rebuilt, or any Addition, Alteration, or other Work or Operation affected by the Provisions of this Act be executed, contrary to any of the Rules and Directions of this Act, or contrary to any Order of the Court made by virtue of the Provisions of this Act, then the Builder or other Person who  
 25 shall have been engaged in building or rebuilding such Building, or in the Execution of such Addition, Alteration, or other Work or Operation, or who shall knowingly have caused the same to be done, shall be liable, in the Discretion of the Judge of the said Court, to forfeit for every such Offence a Sum not exceeding *Twenty Pounds* :
- 30 And if any Workman, Labourer, Servant, or other Person employed in or about any Building, or in the Execution of any Work or Operation affected by the Provisions of this Act, or in the fitting-up or Decoration of any Building, or any other Work or Operation, wilfully, and without the Direction, Privity, or Consent of the  
 35 Person causing such Work to be done, do anything in or about such Building contrary to the Rules and Directions of this Act, every such Offender shall be liable, in the Discretion of the said Judge, to forfeit for every such Offence a Sum not exceeding *Fifty Shillings*, or in default of Payment to be imprisoned for any Period not exceeding  
 40 *One Month*.

Builder or  
Party in de-  
fault to be  
fined for Ir-  
regularity.

Workmen  
committing  
Irregularity  
to be fined.

And for protecting the Interests of the Owners of adjoining Premises, and facilitating the Execution of various Works in relation to adjoining Premises, by any Owner desirous or bound to execute  
 69. the

*Adjoining  
Properties,  
&c.*



the same (who is herein denominated the Building Owner), be it enacted,

Building Owner may execute certain Works on Party Structures, subject to Consent of Adjoining Owner, or Order in default of Consent.	XCIIL. That if the Consent in Writing of the Owner of the adjoining Premises (who is herein denominated the Adjoining Owner), being competent to give such Consent, and the Consent in Writing of any Occupier of such adjoining Premises (not being an Owner within the Meaning of this Act), be obtained, or, in the Absence of such Consent, if the Works be authorized by an Order of the Court made by virtue of the Provisions of this Act, it shall be lawful for the Building Owner, subject to the several Conditions and Provisions, Rules and Directions, in this Act contained, to execute the following Works ; that is to say,	
Reparation.	To repair or make good any Party Structure which is defective or out of Repair ;	
Pulling down where defective.	To pull down any Party Structure which is of improper Materials, or so far defective or out of repair as to render it necessary to pull down the same ;	15
Pulling down where of insufficient Thickness.	To pull down any Party Structure which is sound, but of insufficient Thickness for any Building intended to be built ;	
Rebuilding.	To rebuild any Party Structure ;	20
Building Party Walls for Party Fence Walls.	To build a Party Wall in lieu of a Party Fence Wall which would be insufficient as a Party Wall for any Building intended to be built ;	
Raising Party Walls.	To raise any Party Wall which is by this Act allowed to be raised ;	25
Raising Party Fence Walls.	To raise any Party Fence Wall to the Height of Nine Feet from the Ground on either Side thereof, or if it be desired to screen any offensive Object or Place, then to such greater Height as shall be authorized by Consent of the Adjoining Owner, or in default thereof by Order of the Court ;	30
Cutting into.	To cut into any Party Structure ;	
Cutting away.	To cut away any Footing which projects from any sound Party Wall in order to erect an external Wall against such Party Wall ;	
	To cut away any Chimney Breast which projects from any sound Party Wall ;	35
Underpinning.	To underpin any Party Wall or Party Fence Wall, or the Wall of any adjoining Building, where it shall be necessary in consequence of any Excavation to be made near thereto, or for other Reasons ;	
Pulling down Timber Partitions.	To pull down any Timber Partition or Partitions, whether sound or unsound, between any Buildings, together with any Walls under or over such Partitions, for the Purpose of building a Party Wall in lieu thereof, and to build such Party Wall ;	40
	To	

- To pull down Buildings having Rooms or Stories the Property of different Owners, lying intermixed, for the Purpose of building proper Party Structures, or to pull down such Parts thereof as shall be necessary for that Purpose, and to build such Party Structures ;
- 5 To pull down Buildings or Parts thereof built over public Ways, or over Passages in other Occupation, for the Purpose of making Fire-proof Floors or Arches, and to build such Fire-proof Floors or Arches ;
- 10 To cut away or to take down, as the Case may require, such Parts of any Wall or Building of an Adjoining Owner as shall be necessary, in consequence of such Wall or Building overhanging the Ground of the Building Owner, in order to erect an upright Wall against the same ;
- 15 And to perform any other necessary Works incident to the Connexion of Party Structures with the Premises adjoining thereto.

Pulling down intermixed Buildings.

Pulling down Buildings built over public Ways.

Cutting away overhanging Parts of Walls or Buildings.

Other necessary Works.

- XCIV. And for declaring the Rights of the respective Owners of adjoining Premises with respect to the Site of Party Structures
- 20 dividing such Premises, and with respect to other Matters, be it enacted,

- That if any Party Wall be built to divide Two Buildings, and the Thickness of the Party Wall required for one of such Buildings be in the Ground Story thereof greater than the Thickness of the Party
- 25 Wall required for the other of such Buildings, then it shall be the Duty of the Building Owner to build such Wall so that One Half of the Thickness required for the Building which requires the less Thickness shall stand on the Ground of each of the Owners, and the whole of the additional Thickness required for the other Building
- 30 shall stand on the Ground of the Owner thereof; but if the Thickness requisite for the Party Wall for each of such Buildings be the same in the Ground Story thereof, then it shall be the Duty of the Building Owner to build the same so as to stand equally on the Ground of each of the Owners :
- 35 Provided always, that if by reason of the Difference of the Thickness necessary for any Party Wall in any Story above or below the Ground Story the Building of one of the Owners would be lessened in an undue Proportion by so building such Wall as last aforesaid, then it shall be the Duty of the Building Owner so to
- 40 build such Wall on the Line of Junction of the adjoining Properties as the District Surveyor shall direct, subject to any Order of the Court of Metropolitan Buildings in that Behalf:

Party Walls are to be built on Line of Junction; if requisite Thickness is not same for both Buildings, then with greater Thickness on Side of Building requiring it; if requisite Thickness is same for both Buildings, then equally on each Side. Compensation to be paid if Premises be unduly lessened.

69.

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Pro-

Compensation to be paid in case of subsequent Alterations.

Provided also, that if any Party Wall have been built so as to stand upon the Ground of one of the Owners to a greater Extent than upon the Ground of the other of the Owners, and if the last-mentioned Owner build, alter, enlarge, or raise any Building against such Party Wall, by reason of which such Party Wall ought to stand upon his own Ground to a greater Extent than it was originally built, then it shall be the Duty of such last-mentioned Owner to pay to the first-mentioned Owner such Sum of Money as the said Court shall determine to be a sufficient Compensation for the Ground occupied by that Portion of the Party Wall which ought not to stand upon the Ground of the first-mentioned Owner.

If Party Wall built in lieu of a Party Fence Wall, then not to stand further on adjoining Ground.

XCV. If a Party Wall be built in lieu of a Party Fence Wall, and no Building is intended to be built against the same on the Side of the Adjoining Owner, the Building Owner shall not be entitled to build the same so as to stand upon the Ground of the Adjoining Owner to a greater Extent than One Half of the Thickness of such Party Fence Wall.

Party Structures not vertical or reasonably straight may be altered on rebuilding.

XCVI. If, in consequence of Premises being intermixed, or in consequence of a Party Structure not being carried up vertically or not being reasonably straight on Plan, or for other Reasons, a Party Wall or other Party Structure cannot be built or rebuilt with a due Regard to the Purposes of this Act, or to the Advantage of the respective Owners of the Premises parted thereby, without taking from the Premises of one of such Owners some Part of the Soil or Ground or other Parts of such Premises, and adding the same to the Premises of the other of such Owners, then it shall be lawful for the Building Owner to build such Party Wall or other Party Structure as nearly as possible on the original Line of Junction of the Premises, so that such Party Wall shall be vertical and reasonably straight as aforesaid; and it shall be the Duty of the Building Owner or Adjoining Owner, as the Case may be, to pay to the other such Sum of Money as the said Court shall adjudge to be a reasonable Compensation for the lessening of either of such Premises by such Party Wall or other Party Structure.

Compensation to be paid for the lessening of either Premises.

Expense of Works necessary to retain Openings and Easements to be borne by Owner enjoying the same.

XCVII. If any Party Wall have any Opening therein, or if there be any Easement enjoyed by either of the Owners of the Premises parted by any Party Structure, which Opening or Easement cannot be retained when such Party Wall or other Party Structure is rebuilt, unless there be a Fire-proof Roof or Arch built under such Opening, or unless some other Expedient be adopted in order to conform to the Requirements of this Act, involving additional Expense, then such additional

additional Expense shall be borne by the Owner for whose Use such Opening or Easement shall be retained ; but if such Party Wall or other Party Structure be rebuilt without such Opening or Easement, the other Owner shall pay to the Owner to whom such Opening or Easement belonged such Compensation as the said Court shall adjudge to be reasonable, having regard to the Increase and Decrease in the Value of the respective Premises occasioned by reason of the Removal of such Opening or Easement.

Compensation to be paid in respect thereof.

XCVIII. If any Party Fence Wall be built or rebuilt, either of the Owners of the Premises parted thereby shall be entitled to require that such Wall be built of the Thickness of Eight Inches and Half an Inch at the least, and with such Footings as are by this Act required for Party Walls of the same Thickness, and that it be built under the Supervision of the District Surveyor ; and, if the Adjoining Owner so require, it shall be the Duty of the Building Owner to erect such Party Fence Wall of such Thickness and with such Footings as aforesaid, and to give Notice of such intended Erection to the District Surveyor, as in the Case of any Work affected by any. of the Rules of this Act.

Party Fence Walls to be built of certain Thickness, and under Supervision, if either Owner require.

XCIX. If any Party Wall or other Party Structure be to be built, rebuilt, or raised, and if, Fourteen Days before the Time at which such Work is to be commenced, the Adjoining Owner shall by Writing under his Hand require that the same be built of additional Thickness, or that certain Chimney Jambs, Breasts, and Flues, or certain Piers or Recesses, be built therein, or that the Foundations be laid at a certain Depth, or that other Works be executed for the Convenience of such Adjoining Owner, and shall by sufficient Drawings or Descriptions specify the same and the Position thereof, then it shall be the Duty of the Building Owner, in such building, rebuilding, or raising, to conform to such Requirements, so far as the same are reasonable and practicable, and in conformity with the Provisions, Rules, and Directions of this Act.

Additional Works to be executed, if required by Adjoining Owner.

And for the Purpose of declaring the Rights of the respective Owners of adjoining Premises in respect of the Costs of Works done in relation to Party Structures separating such Premises, and in respect of Compensation for Loss, Damage, or Injury occasioned by such Works, be it enacted,

C. That if a Party Structure which is of proper Materials, and sound, or not so far defective or out of repair as to render it necessary to take down the same, be taken down and rebuilt, it shall be the Duty of the Building Owner, at his own Costs and Charges, to re-instate and make good all the internal Finishings and Decorations, and other

Where a sound Party Structure is rebuilt, Building Owner to make good adjoining

Premises,  
and to pay  
Expenses;

other Parts of the adjoining Premises damaged thereby, and to pay all the Expenses of such pulling down and rebuilding, and all the Expenses incidental thereto.

Where a  
Party Struc-  
ture re-  
quiring to  
be taken  
down is  
rebuilt,  
Adjoining  
Owner to  
pay Part of  
Expense.

CI. If any Party Structure, or any Part thereof which is of improper Materials, or so far defective or out of repair as to render it necessary to take down the same, be taken down and rebuilt, and also if any Timber Partition or Partitions, whether sound or unsound, parting Two or more Buildings, or any Wall or Walls over any such Partitions, be taken down, and a Party Wall or other Party Structure be built in lieu thereof, then it shall be the Duty of the Adjoining Owner in any such Case to pay to the Building Owner the Expense of a due Proportion of so much of the new Party Wall or other Party Structure as shall be used by him, having regard to the Thicknesses required for the respective Buildings parted thereby, and also a proportionate Part of all Expenses incidental to such pulling down and rebuilding, Deduction being made of a due Proportion of the Value of the old Materials.

Where a  
Party Struc-  
ture is re-  
paired.  
Adjoining  
Owner to  
pay Part of  
Expense.

CII. If any Party Structure which is defective or out of repair be made good or repaired, it shall be the Duty of the Adjoining Owner to pay a due Proportion of the Expense of such Reparation, and of the Expenses incidental thereto, having regard to the Proportion of that Part of the Structure requiring Repair which is used by the Adjoining Owner.

Where  
intermixed  
Buildings  
are rebuilt  
with proper  
Party Struc-  
tures, Ad-  
joining  
Owner to  
pay Part of  
Expense.

CIII. If any Building or Buildings, or any Part thereof, having Rooms or Stories the Property of different Persons, or occupied by different Persons, which Rooms or Stories are not separated from each other as required by this Act, or are separated from each other by any Structure so far defective or out of repair as to render it necessary to pull down the same, be taken down, and rebuilt with proper Party Structures, or if any Building or Part thereof built over any Way or Passage in other Occupation, be taken down for the Purpose of making Fire-proof Floors or Arches, it shall be the Duty of the Adjoining Owner to pay to the Building Owner a due Proportion of the Expenses of such Works and of the Expenses incidental thereto, Deduction being made for a due Proportion of the Value of the old Materials.

Where a  
Party Wall  
is raised,  
Building  
Owner to  
make good,  
and to

CIV. If any Party Wall, or External Wall built against any Party Wall or other External Wall, be raised, it shall be the Duty of the Building Owner, at his own Costs and Charges, to make good all Damage occasioned thereby to the adjoining Premises, and also to carry up to the requisite Height all Flues and Chimney Stacks belonging

belonging to the Adjoining Owner in or against such Party Wall or External Wall. carry up Chimneys.

CV. If any Party Wall be cut into, or if, for the Purpose of building an External Wall against any sound Party Wall, or for other Purposes, any projecting Chimney Breasts, Jambs, or Flues in any Party Wall, or any projecting Footing of any Party Wall or External Wall of an adjoining Building, be cut away, it shall be the Duty of the Building Owner, at his own Costs and Charges, to make good the same, with good sound Stock Bricks and Tiles, or Slates bedded in Cement, or other proper and sufficient Materials, and also to make good all Damage occasioned to the adjoining Premises by such Operation. Where a Party Wall is cut into, or Projections cut away, Building Owner to make good the same.

CVI. If any Excavation be made against or near to any Party Wall or Party Fence Wall, or the Wall of any adjoining Building, for the Purpose of building an External Wall against the same, or if for any Purpose it be necessary to underpin any such Wall, it shall be the Duty of the Building Owner, at his own Costs and Charges, to shore up such Wall, and to underpin such Wall of a Thickness at the least *Four* Inches greater than the full Thickness thereof, and of the full Depth of the Excavation, and with proper Footings, and if such Wall shall not be of the full Thickness required by this Act, then of the full Thickness required by this Act, and with good sound Stock Bricks and Tiles or Slates bedded in Cement, or other proper and sufficient Materials, and in a workmanlike and substantial Manner, and to make good all Damage occasioned to such Wall and to other Parts of the adjoining Premises by such Operations. Where a Wall is underpinned, Building Owner to execute the same in a proper Manner, and to make good all Damage.

CVII. If any Party Fence Wall be taken down, and a Party Wall be built in lieu thereof, or if any Party Fence Wall be raised, it shall be the Duty of the Building Owner, at his own Costs and Charges, to make good all Damage occasioned to the adjoining Premises thereby. Where a Party Fence Wall is rebuilt or raised, Building Owner to pay all Expense, and make good all Damage.

CVIII. If any Party Structure, or Part thereof, which has been built, rebuilt, or raised by any Building Owner at his own Costs and Charges, be within Two Years thereafter used by the Adjoining Owner, by building against it or otherwise, then it shall be the Duty of such Adjoining Owner to pay to the Building Owner a due Proportion of the Expenses of building, rebuilding, or raising such Part thereof as is so used, and of the Expenses incidental to such building, rebuilding, or raising. Where a Party Structure be afterwards used by adjoining Owner, he is to pay Part of the Expense.

CIX. If, in pursuance of a Requisition in Writing by the Adjoining Owner, any Chimney Jambs, Chimney Breasts, and Flues have been Where additional Works have been

required by  
Adjoining  
Owner, he is  
to pay the  
Expense  
thereof.

built with any Party Wall or other Party Structure, or if any Party Wall or other Party Structure have been built of greater Thickness than is by this Act required, or if upon such Requisition as aforesaid other Expenses have been incurred in the Execution of any such Work beyond the Expense which would be necessary to comply with all the Requirements of this Act, then and in every such Case it shall be the Duty of the Adjoining Owner to pay to the Building Owner the Amount of any Expense incurred in the Execution of such Work, in accordance with such Requisition, beyond the Expense of building a Party Wall or Party Structure which would have been otherwise sufficient. 10

Where any  
Party Struc-  
ture has been  
damaged, the  
Owner in  
default to  
pay for the  
necessary  
Works, or a  
proper Por-  
tion thereof.

CX. And if any Party Structure shall have been so damaged by any Act or Default of the Owner of one of the Premises parted thereby, and without Default on the Part of the Owner of the other of such Premises, as to render it necessary to pull down and rebuild or to repair the same, or to perform any other Operation thereto, then the Expenses of every such Operation, or so much thereof as the Court of Metropolitan Buildings shall adjudge to be reasonable, shall be borne by the Owner by whose Act or Default such Damage has been occasioned. 20

Compensa-  
tion to be  
paid for Loss  
occasioned to  
Adjoining  
Owner.

CXI. If, in the Execution of any Works which are by this Act authorized to be done by a Building Owner at his own Costs and Charges, any Loss, Damage, or Injury be done or occasioned to the Premises of an Adjoining Owner, such Adjoining Owner shall be entitled to such Compensation, to be paid by the Building Owner, as the said Court shall adjudge to be reasonable. 25

Compensa-  
tion to be  
paid for Loss  
occasioned to  
Occupier of  
adjoining  
Premises.

CXII. If, in the Execution of any Works which are by this Act authorized or required to be done by any Building Owner, any Loss, Damage, or Injury be done or occasioned to any Occupier of the adjoining Premises, not being the Owner thereof, such Occupier shall be entitled to such Compensation as the said Court shall adjudge to be reasonable, and the same shall be deemed to be an Expense incidental to the Execution of such Works, and shall be paid by and recoverable from the Building Owner or Adjoining Owner, or both, in the Proportion in which they are respectively liable for the Expenses of such Works. 30 35

And for the Purpose of regulating the Rights of the respective Owners of adjoining Premises with respect to the Time of Commencement of Works affecting Party Structures separating such Premises, and other Matters, be it enacted, 40

Building  
Owner (un-  
less autho-

CXIII. That, except in case of the Consent in Writing of the Adjoining Owner and of the Occupier of the adjoining Premises, if any,

any, not being the Owner, and except in Cases where, the Works having been authorized by an Order of the Court made by virtue of this Act, it shall have been otherwise determined, the pulling down of any Party Structure, or of any intermixed Building or Timber Partition, or any other Operation or Work, during the Execution of which it shall be necessary to lay open or enter into the Building of such Adjoining Owner, shall not be commenced until the Expiration of *Three Months* after obtaining the Consent as aforesaid of such Adjoining Owner and Occupier, or, when such Consent is not obtained, until the Expiration of *Three Months* after the Matter shall have been referred to the Court as by this Act provided in the Absence of such Consent :

And that the Reparation of any Party Structure, or the raising of any Party Wall or Party Fence Wall, or the pulling down of any Party Fence Wall, or other Operation or Work, during the Execution of which it shall not be necessary to lay open or enter into any Building of the Adjoining Owner, be not commenced until the Expiration of *One Month* after obtaining such Consent or making such Reference as aforesaid respectively.

CXIV. When any Work shall have been authorized by or under the Provisions of this Act, the Building Owner shall proceed in the Execution of such Work until the Completion thereof, with all reasonable Despatch and Diligence; and in case he shall neglect so to do it shall be lawful for the Adjoining Owner to execute or complete such Work, and all Matters and Things incidental thereto, and in such Case the Adjoining Owner so executing such Work shall have such and the like Remedies for the Costs, Charges, and Expenses thereof, or for such Part of the Costs, Charges, and Expenses thereof as is to be borne by the Building Owner, as are hereby given to the Building Owner for the Recovery of any Costs, Charges, and Expenses incurred by him.

CXV. Before any Owner shall proceed to take down any Wall or Building abutting upon the Building of any Adjoining Owner, or to make any Excavation in his own Ground so as to affect the Stability of such Building of the Adjoining Owner or any Part thereof, such Building Owner shall give Ten Days Notice to such Adjoining Owner of such his Intention, and if before the Expiration of such Notice the Adjoining Owner do not cause his Building to be securely shored it shall be lawful for the Building Owner so to do, and until such Building be so securely shored, either by the Adjoining Owner or the Building Owner, it shall not be lawful for the Building Owner to take down his Wall or Building or to make such Excavation: Provided

not to commence Works within Three Months after Consent given or Order made where adjoining Building would be laid open or entered,

or within One Month, where adjoining Building would not be laid open or entered.

Building Owner to proceed with reasonable Despatch;

or Adjoining Owner may proceed with Works, and have the same Remedies as the Building Owner.

Building Owner to give Notice of Works affecting adjoining Building, and may shore up, if Adjoining Owner neglect to do so, unless Adjoining Owner refuse, or remove the Shores.



vided always, that if the Adjoining Owner refuse to allow the necessary Shoring to be put up, or remove such Shores after they have been put up, then, notwithstanding that such Building remains unshored, the Building Owner may proceed to take down his Building or Wall or to make such Excavation as aforesaid; and if such 5 Shoring have been done by the Building Owner, in any Case in which the Building Owner be not required by Law to do the same at his own Costs and Charges, then the Expense of such Shoring shall be borne and paid by the Adjoining Owner.

Building  
Owner to  
give Notice  
of Desire to  
build Party  
Wall or Party  
Fence Wall  
next to  
vacant  
Ground.

Building  
Owner may  
place Footing  
of External  
Wall or  
Fence Wall  
on Adjoin-  
ing Owner's  
Ground,  
subject to  
certain Re-  
strictions.

Adjoining  
Owner not  
to cut away  
such Footing.

CXVI. If any Person be desirous of erecting a Building adjoining 10 to any vacant Ground, or Ground not hitherto built upon, belonging to another Person, and of building a Party Wall for such Building upon the Line of Junction of the adjoining Premises where no Party Structure has before existed, or of building a Party Fence Wall upon such Line of Junction, he shall be authorized to give One Month's 15 Notice in Writing of such his Desire to the Adjoining Owner, describing in such Notice the Thicknesses and Dimensions of the Party Wall or Party Fence Wall which he proposes to build; and if within such Period of One Month the Adjoining Owner do not signify his Consent in Writing to the Erection of such Party Wall or Party 20 Fence Wall, it shall be lawful for the Building Owner, and he is hereby entitled, if he build an External Wall to his said Building or a Fence Wall for his Ground, to place the Footing of such Wall, and any concrete Foundation for the same, upon the Ground of the Adjoining Owner, so that the Face of such Wall above such Footing do 25 not in any Part extend beyond the Line of Junction of the said Premises, and so that such Footing, in the Case of an External Wall, do not project into the Ground of the Adjoining Owner to a greater Extent than the Projection by this Act required for the Footing of such Wall on one Side thereof, or, in the Case of a Fence Wall, to a 30 greater Extent than Four and a Half Inches, and so that the Top of such Footing be at the least One Foot below the Level of such adjoining Ground; and it shall not be lawful for the Adjoining Owner at any subsequent Time to cut away such Footing or any Part thereof, except for the Purpose of building an External Wall or Fence Wall 35 the Face of which shall be in actual Contact with the Face of such other External Wall or Fence Wall.

And whereas by this Act certain Widths are prescribed for Streets and Alleys, and certain Regulations are made relative to the Distances of Buildings from the opposite Side, or from the Centre of 40 such Streets or Alleys, and in certain Cases Injury might be done to the Owner of Ground not yet built upon by the Erection of Buildings

ings or the Formation of public Ways near to or adjoining such Ground : Be it enacted,

- CXVII. That before any Person shall begin to form any Street or Alley, or to erect any Building, or to execute any other Work by which the Interests of the Owner of any Ground not yet built upon will or may in the Opinion of the District Surveyor be injuriously affected, having reference to the Rules of this Act in respect of Streets and Alleys, he shall give to such Owner One Month's Notice in Writing, accompanied with a sufficient Description and Drawing in explanation of the proposed Work ; and if the Parties cannot agree, or if within such Period of One Month such Owner do not signify his Consent thereto, then the Matter shall be referred to the Court of Metropolitan Buildings ; and it shall be lawful for the said Court by their Order to direct in what Manner, and subject to what Terms, Qualifications, and Restrictions, the proposed Work may be executed, regard being had to the Interests of the respective Parties and the Circumstances of the Case, and without such Consent or Order as aforesaid it shall not be lawful to commence or execute any such Work ; and any Person in such Case offending against the Provisions of this Act shall be liable to a Penalty of *Fifty Pounds*, to be recovered by Action in any of the Superior Courts.

Notice to be given to Owner of vacant Ground before forming Streets or executing Works affecting his Interests.

If Consent be not given the Court shall determine between the Parties.

- CXVIII. It shall be lawful for any Party to any Contract or Agreement now in force for erecting or altering any Building, and he is hereby authorized and empowered, to deviate from such Contract, so far as the Works therein contracted for may be such as cannot be executed in conformity with any of the Provisions, Rules, and Directions of this Act, and the Alterations rendered necessary by this Act shall be performed and take effect as if this Act had been in force when such Contract was entered into ; and the Difference between the Costs and Expenses of the Works when performed according to the Provisions of this Act and the Costs and Expenses of the Works as stipulated for in such Contract shall be paid or adjusted between the Parties thereto as if the Works so executed in conformity with this Act, and such Difference of the Costs and Expenses, had formed Part of such Contract or Agreement :

Parties to Contracts may deviate therefrom, to conform to Act.

Works to be executed according to Act.

Difference of Cost to be paid as if in Contract.

- And if any of the Provisions, Rules, or Directions of this Act shall prevent the due Observance of or be at variance with any Lease or Agreement for a Lease, being of the Nature of a Building Lease, whereby any Person may be bound to erect Buildings, then (subject to any Modification of the Rules or Directions of this Act which may be made in pursuance of the Provisions thereof in that Behalf) it shall be the Duty of such Person and he is hereby required to erect such Buildings according to the Rules and Directions of this Act ; and on the Completion of such Works, if any

Lessees under Building Leases to conform to this Act.

Lessor to make good any Loss.

Loss has resulted or may be expected to result to the Lessee or Tenant by such Observance of the Provisions of this Act as aforesaid, then it shall be the Duty of the Lessor or other Owner to make to the Lessee or Tenant such Compensation, either by Payment of Money or by Reduction of Rent, or otherwise, as the said Court of 5 Metropolitan Buildings shall adjudge to be fair and reasonable, having regard to the respective Interests of the Lessee or Tenant, and to the other Circumstances of the Case.

*Expenses of Works.*

And for providing for the Settlement and Recovery of the Costs and Expenses in respect of Works executed under this Act, be it 10 enacted,

Account of Expenses of Works to be delivered to Adjoining Owner within One Month.

CXIX. That within *One Month* after the Completion of any Work or Operation which any Building Owner or any other Person is by this Act authorized or required to execute, and the Expense of which is in whole or in part to be borne by any Adjoining 15 Owner or any other Person, or in case of any Party Structure being used by the Adjoining Owner as aforesaid, then within *One Month* after the Building Owner shall have ascertained that the Party Structure is so used by the Adjoining Owner, such Building Owner or other Person shall deliver to the Adjoining Owner or other 20 Person by whom the Expense of such Work or Operation, in whole or in part, is to be borne, an Account in Writing of the Expenses of the Work ; which Account shall contain a true Statement of the Number of Rods and fractional Parts of Rods of Brickwork, and of the Quantities of Digging, and of Concrete, Stone Work, and other Materials, 25 and of the Labour employed in executing so much of the Work as such Adjoining Owner or other Person shall be liable to pay for, specifying the Prices at which the same respectively are charged, and also a true Statement of all Expenses preliminary and incidental to such Work, including the reasonable Expense (if any) of shoring 30 any adjoining or other Building, and of removing any Goods, Furniture, or other Things thereon, and of pulling down any Wainscot or Partition thereof, and also the Fees of the District Surveyor, and any Fees or Costs which may have been made payable by any Order of the Court made by virtue of this Act, and shall also specify any 35 Deduction to which such Adjoining Owner or other Person may be entitled in respect of old Materials or in other respects ; and every such Work as aforesaid shall be estimated and valued at fair average Rates and Prices, according to the Nature of the Work and the Locality, and the Market Price of Materials and Labour at the 40 Time ; and together with such Account or annexed thereto such Building Owner or other Person shall also deliver to such Adjoining Owner or other Person as aforesaid a Memorandum in Writing containing an Intimation of the Right of such Adjoining Owner or other Person to

Contents of Account.

Account to be accompanied with Notice of Right to appeal.

to refer, at any Time within *One Month* thereafter, such Account, in the Manner herein-after next provided, to the Decision of the said Court of Metropolitan Buildings.

CXX. At any Time within *One Month* after the Delivery of such Account as aforesaid it shall be lawful for any Party dissatisfied therewith to refer such Account to the Decision of the said Court ; and upon any Order for Payment being made upon such Reference it shall be lawful for the Building Owner or other Person by whom such Account shall be claimed, at the Time or Times appointed by such Order, to demand the Amount declared thereby to be due, or if by such Order it be directed that the same be paid by Instalments, then the Amount of any Instalments which may then be due, together with the Costs and Expenses of such Reference (if any), which may have been ordered by the Court to be paid by such Adjoining Owner or other Person ; and if within *One Month* after the Delivery of such Account as aforesaid to such Adjoining Owner or other Person such Adjoining Owner or other Person do not refer such Account as aforesaid to the Court, or if upon such Demand as last aforesaid the Amount due, together with such Costs and Expenses, be not paid, then the same may be recovered in like Manner as any Sums of Money payable by Order of the said Court.

Adjoining Owner may appeal within *One Month*.

Building Owner may demand Amount awarded at Time or Times appointed.

Building Owner may recover if no Appeal be made, or if Amount awarded be not paid on Demand.

CXXI. Provided always, That until such Amount be so paid or recovered any Party Structure in respect of which such Amount shall have been incurred, and also the Ground whereon such Party Structure stands, shall be vested by virtue of this Act in the Person at whose Expense the same shall have been built or such Works shall have been executed ; and in all Cases such Amount shall be and remain a Charge upon the Premises in respect of which it shall have been so incurred, and shall be recoverable, at any Time thereafter, from any Owner or Occupier of such Premises.

Party Structure to belong to Building Owner until paid for.

CXXII. Provided also, That it shall not be lawful for any Building Owner or other Person to recover from any Adjoining Owner or other Person any Expenses incurred in the Execution of any Work or Operation not in conformity to the Provisions, Rules, and Directions of this Act.

Building Owner not to recover for irregular Works.

And for providing for the Recovery of Expenses under this Act by the Owners of Premises from the Owners of other Premises, be it enacted,

CXXIII. That when any Money shall be due to any Building Owner by any Adjoining Owner, or to any Adjoining Owner by any Building Owner, for or on account of or in relation to any Works executed under the Provisions of this Act, or any Damage or Compensation

Expenses of Works may be recovered from Persons bound to pay for such Works.

pensation due in respect thereof, the Owner to whom such Money shall be so due shall be entitled to recover the same, together with the Expenses of such Recovery, under an Order of the Court of Metropolitan Buildings to be made in that Behalf, from the Person or Persons liable to bear or pay the Expenses of such Works, or to pay 5 such Damage or Compensation.

Occupier to pay such Expenses out of Rent, if required.

Expenses may be recovered from Occupier to the Extent of Rent due.

Landlord not to recover for Rent so paid.

Receipt to be a sufficient Discharge for Rent.

Monies paid by Persons not ultimately or solely liable may be recovered from Persons bound by Law, Contract, or Covenant.

CXXIV. And if the Owner of any Premises who shall be ultimately liable to pay such Money shall not be in the actual Occupation thereof, then the Owner to whom such Money shall be due as aforesaid shall be entitled to receive from Time to Time, from any 10 and every Occupier of such Premises, the Rents and Profits from Time to Time becoming due for the same, in or towards Payment or Satisfaction of his Demand, until the same shall be fully paid and satisfied, and for that Purpose to give Notice to any such Occupier to pay to him such Rents and Profits; and if after such Notice any 15 such Occupier fail to pay such Rents and Profits accordingly, it shall be lawful for the Person entitled to receive such Money from Time to Time to recover the same, or so much thereof as shall then remain due from any Occupier of the said Premises, to the Extent of the Rent due at the Time of giving such Notice, or from Time to Time 20 thereafter accruing due, under the Powers by this Act provided; and after such Notice shall have been given the Person otherwise entitled to receive such Rents and Profits shall be disabled from bringing any Action, or making any Distress, or taking any other Proceeding against such Occupier, to recover the same, until the 25 Money so due as aforesaid shall have been fully paid and satisfied; and the Receipt of the Person hereby entitled to receive such Money as aforesaid shall be a sufficient Discharge to such Occupier for so much of the Rents and Profits of such Premises as he shall have paid pursuant to such Notice.

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CXXV. If any Money shall have been paid to any Building Owner or to any Adjoining Owner under the Provisions of this Act, by any Owner or other Person not ultimately liable to pay such Money or the whole Amount thereof, he shall be entitled to recover the Sums so paid, together with the Expenses of such Recovery, under an 35 Order of the said Court to be made in that Behalf, from any Owner or other Person who by any Law, Contract, or Covenant then existing shall be liable to pay the Expenses of the Works in respect of which such Money shall be due, or any Part thereof; and the Owners or Persons so liable, if several in Number, shall be jointly and 40 severally liable to the Owner or Person by whom such Money shall have been paid as aforesaid.

CXXVI. If

CXXVI. If any Person, being in the Possession or Occupation of any Premises, who shall under the Provisions of this Act have incurred any Expenses or paid any Monies in respect of any Works in relation to any Party Structure, shall hold such Premises under  
 5 any Lease or Agreement for a Lease, or other Agreement for the Occupation thereof, such Person shall be entitled to recover such Expenses or Monies, under an Order of the said Court of Metropolitan Buildings to be made in that Behalf, from the Lessor granting such Lease or making such Agreement, or from the Assignee of  
 10 such Lessor, subject nevertheless to any express Covenant or Agreement in that Behalf:

Expenses paid by Party holding under Lease or Agreement to be recovered from Lessor, subject to express Covenant or Agreement;

But if such Person hold such Premises under a Lease renewable for ever on a fixed Fine or other customary Payment, then such Expenses and Monies shall be chargeable upon and payable by the  
 15 Lessee and not the Lessor, subject to any express Covenant or Agreement between the Lessor and Lessee, or between the Lessee and any Sub-Lessee holding under such Lessee.

but to be paid by Lessee where Lease is renewable for ever; subject to express Covenant or Agreement.

And for regulating Notices under this Act, and the Service thereof, be it enacted, That,

20 CXXVII. If any Notice under this Act be intended for the Owner of any Building, then it shall be given either by personally serving the same or by leaving the same with some Inmate at the last or usual Place of Abode of such Owner; provided that if such Owner be a married Female, not being a Cestuique Trust, then  
 25 every Notice to such Owner under this Act shall be given to the Husband of such married Female, or if such Owner be an Infant, Lunatic, or Cestuique Trust, then such Notice shall be given to the Guardian, Committee, or Trustee of such Infant, Lunatic, or Cestuique Trust respectively; but in case such Owner, Husband, Trustee, Guardian, or Committee is not known or cannot be found, then  
 30 such Notice shall be given to the Occupier of the Premises to which it shall relate, or if the Premises be unoccupied, then such Notice shall be affixed to some conspicuous Part thereof, at a Height of not more than Nine Feet from the Ground:

35 And if any Notice under this Act be intended for the Occupier of any Premises, then it shall be given either by personally serving the same or by leaving the same with some Inmate on the Premises, or in case the Premises be unoccupied it shall be affixed as aforesaid; and every such Notice, when so served or left as aforesaid in  
 40 the several Cases herein mentioned, shall have the same Effect as if given to the actual Owner or Occupier.

Notice to Owner to be served or left at Place of Abode.

Notices to be given to Husband, if Owner be married Female, and to Guardian, Trustee, or Committee, if Owner be Infant, Lunatic, or Cestuique Trust, or to Occupier, if Owner be not known.

Notice to Occupier to be served, left, or affixed on Premises.

CXXVIII. If any Owner upon whom any Notice is required to be served be not residing or carrying on Business within the Limits of this Act, and have within the Limits of this Act some known Agent  
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But Notice to Owners out of Limits of Act may be given by

registered  
Letter.

acting in his Behalf in respect of the Premises to which the Notice refers, then it shall be lawful to serve the Notice upon such Agent ; but if such Owner not residing or carrying on Business within the Limits of this Act be not known to have any such Agent within the said Limits, then it shall be lawful to give Notice by Letter duly registered according to the Practice for the Time being adopted with regard to Letters transmitted by Post, but so that such Letter be posted in such Time as will afford to the Person addressed after the Receipt of such Letter the full Period of Notice required in such Case by this Act.

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Where Occu-  
prier is Tenant  
from Year  
to Year, or  
Tenant at  
Will, Notices  
to be given  
to immediate  
Landlord.

Occupier to  
give Infor-  
mation as to  
his imme-  
diate Land-  
lord.

Owners hold-  
ing under  
another, and  
part Owners,  
to transmit  
Notice to  
immediate  
Landlord, or  
Person in  
receipt of  
Rents, or to  
other part  
Owners.

CXXIX. In case the Person in the Occupation of any Premises in respect of which any Notice under this Act is to be given to the Owner thereof allege that he is a Tenant from Year to Year or for any less Term, or a Tenant at Will, and not the Owner thereof within the Intent and Meaning of this Act, then such Notice shall be given to the immediate Landlord of such Occupier ; and it shall be the Duty of such Occupier, and he is hereby required, to inform any Person by whom such Notice is required to be given, or any other Person applying on his Behalf, of the Name, Place of Residence, or Place of Business of such Owner or Landlord, or of his Agent in respect of such Premises ; and if the Owner or Landlord upon whom the Notice shall in that Case be served shall hold under any other Person, or shall not be in the Receipt of the whole of the Rents or Profits of such Premises, then immediately upon the Receipt thereof it shall be his Duty, and he is hereby required, to transmit to his immediate Landlord or his Agent, and also to any other Person being part Owner of such Premises or in receipt of Part of the Rents or Profits thereof, or to the Agent of such Person, a Copy of such Notice, and in like Manner, in every Case successively, it shall be the Duty of every Landlord or other Person by whom such Notice shall be received to transmit it to his superior Landlord or to any other Person, being part Owner of any such Premises, or to the Agent of such Landlord or part Owner in any of such Cases respectively, to the Intent that every Person affected by the Work or Proceeding to which such Notice relates may have due Notice thereof.

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Service of  
Notice on  
immediate  
Landlord of  
Occupier to  
be sufficient.

Owner fail-  
ing to trans-  
mit Notice to  
be liable for  
Damages.

CXXX. Provided always, That if any such Notice be served upon the immediate Landlord of the Occupier, or upon his Agent, by or on behalf of the Person by whom it is hereby required to be served in the first instance, then, although it may not be served by such immediate Landlord upon any other Landlord or Owner, such Service is to be deemed to be sufficient Service ; but that nevertheless, if any Owner suffer Damage by the Failure of any other Person, being either the Occupier or any Person holding under such Owner, to

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to serve such Notice, then such Owner shall be entitled to recover the Amount thereof against such Person by whom such Damage shall have been occasioned; and every Notice served under this Enactment on any Person shall contain or have appended thereto a  
 5 Memorandum or Notice requiring him to transmit the same to his immediate Landlord, or to the Agent of such Landlord, as hereinbefore directed.

Notices so served to contain Copy of Enactment.

CXXXI. In case any Owner or Occupier be a married Female, not being a Cestuique Trust, then any Consent by this Act required  
 10 to be given by such Owner or Occupier may be given by the Husband of such married Female; and if such Owner or Occupier be an Infant, Lunatic, or Cestuique Trust, then such Consent may be given by the Guardian, Committee, or Trustee of such Infant, Lunatic, or Cestuique Trust; and if such Owner or Occupier,  
 15 Husband, Trustee, Guardian, or Committee, be not known or cannot be found, then it shall be lawful for the Judge of the said Court of Metropolitan Buildings, in his Discretion, to authorize the Act or Proceeding to be done for which such Consent was required, having due  
 20 Regard to the Interests of the Parties concerned, and to the Accomplishment of the Purposes of this Act.

Consents to be given by Husband, if Owner be married Female, and by Guardian, Trustee, or Committee, if Owner be Infant, Lunatic, &c. If Owners cannot be found, Judge to give Authority.

CXXXII. The Service of any Notice, Summons, Order, or other Process of the said Court, and the Performance of any Act, Deed, Matter, or Thing which by this Act is required to be done by any District Surveyor or other Person, may be proved, as well upon Oath  
 25 of the Witness in open Court as by Affidavit purporting to be sworn before a Master Extraordinary in Chancery, or before any Person authorized by Law to take Affidavits, or, at the Discretion of the Judge of the Court created by this Act, by the Declaration in Writing of the Person serving such Notice, or performing such Deed,  
 30 Act, Matter, or Thing, or cognizant of his own Knowledge thereof; and every such Declaration shall be made and subscribed under and according to the Provisions and subject to the Penalties of the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act for  
 35 "the more effectual Abolition of Oaths and Affirmations taken and  
 "made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of  
 "voluntary and extra-judicial Oaths, and to make other Provisions  
 "for the Abolition of unnecessary Oaths;" and the said Judge is  
 40 hereby authorized to administer and receive such Declaration in lieu of an Oath or Affirmation.

Service of Notices and other Matters how to be proved.



And for regulating the Entry upon Buildings and Premises by Officers and Persons acting under the Authority of this Act, be it enacted,

Officers acting under Act, and Persons authorized by them, may enter on Premises.

CXXXIII. That at all Times during the customary working Hours, and in all Cases whatsoever, it shall be lawful for the District Surveyor, Architectural Referee, Assistant Surveyor, Lord Mayor of London, Surveyor of Pavements, Overseers of the Poor, and other Officers acting under this Act, and for every Person attending upon or authorized by them respectively, and they and each of them are hereby expressly authorized, to enter upon any Premises or into any Building on or in which any Work or Operation affected by the Rules and Directions of this Act shall be in progress or shall be supposed to be in progress, or shall have been completed, or upon or in which any dangerous, noxious, or offensive Manufacture, Trade, or Business shall have been commenced or shall be carried on, or shall be supposed to have been commenced or to be carried on, and also upon any Premises or into any Building in respect of which any Proceeding under this Act shall be pending, and also upon any Premises or into any Building which or any Part or Appendage of which shall by any Order of the Court made by virtue of this Act be determined to be contrary to the Rules and Directions of this Act, or dangerous, as aforesaid, and there to survey and inspect such Premises or Building, or any Manufacture, Trade, or Business therein carried on, and to execute and do upon such Premises and in such Building any Act or Thing which they are hereby authorized or required to do or which may be necessary to be done in order to the proper Execution of this Act.

Building Owner, and Persons acting for him, with Servants and Workmen, may enter on Premises, subject to Consent, or Order of the Court;

and may remove Fixtures and Goods where necessary:

And in case it shall be necessary for the Execution of any Works which shall have been authorized by or under the Provisions of this Act, either with the Consent of the Parties competent to give such Consent, or by any Order of the Court made by virtue of the Provisions of this Act, it shall be lawful for the Building Owner or any Person acting on his Behalf, and for his Servants and Workmen, at any Time and from Time to Time until such Works are completed, between the Hours of Six in the Morning and Seven in the Evening (Sundays excepted), to enter on the Premises of the Adjoining Owner, so far as shall be necessary for the due Execution of such Works, and there during the customary working Hours to abide and to do and execute the Works so authorized, and any other Act, Matter, or Thing necessary to the Execution of such Works; and if any Fixtures, Goods, Furniture, or other Thing necessarily obstruct the Execution of any Works which shall have been so authorized, or the pulling down or Removal of any Wall, Partition, or other Thing necessary to be pulled down and removed in order to the Execution

of

of such Works, it shall be lawful for such Building Owner or other Person aforesaid to remove such Fixtures, Goods, Furniture, or other Things to some other Part of the same Premises, or if there be not sufficient Room on such Premises, then to some other Place within  
 5 a reasonable Distance, for safe Custody, doing no unnecessary Damage to the same.

And if the District Surveyor, Architectural Referee, Assistant Surveyor, Lord Mayor, Surveyor of Pavements, Overseers of the Poor, Building Owner, or any Officer, Servant, or other Person authorized  
 10 as aforesaid, be unable to obtain Admission into such Premises or Building, or be obstructed in their Entrance, then it shall be lawful for them respectively, being accompanied by a Peace Officer, if the outer or any inner Door of any Building be shut, and the Occupier or other Person therein (if any) refuse, on Demand, to open the same,  
 15 or if such Building be empty or unoccupied, to break open such Door :

And if any Person obstruct the District Surveyor, Architectural Referee, Assistant Surveyor, Lord Mayor, Surveyor of Pavements, Overseers of the Poor, Building Owner, or other Officer, Servant, or Person authorized as aforesaid in any Entry as aforesaid, or in doing  
 20 or executing any Act, Matter, or Thing hereby authorized to be done or executed, then in every such Case the Person so offending shall, on Conviction, forfeit for every such Offence a Sum not exceeding *Twenty Pounds*.

CXXXIV. If any Person shall commit any Offence against the Provisions of this Act for which no Proceeding is by this Act specially provided, it shall be lawful for any Person to proceed by Complaint before any Justice of the Peace or Police Magistrate having Jurisdiction in such Case respectively, who shall thereupon take such Proceedings upon such Complaint as are provided and made applicable  
 30 with respect to summary Convictions by Justices of the Peace by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three.

CXXXV. Provided always, That if in any Case in which any Penalty may be proceeded for before a Justice under the Provisions  
 35 of this Act any Party be dissatisfied with the Decision of the Justices therein, and if within *Four* Days after such Decision Notice be given by or on behalf of such Party to the Party suing for such Penalty of his Intention to appeal against such Decision, and of the Grounds of such intended Appeal, and if such Appellant enter into a Recognizance, with Two sufficient Sureties, conditioned to prosecute such Appeal, and to abide the Order of the Court, and to pay to the Party Respondent such Costs (if any) as shall be awarded against him, then it shall be lawful for the Party so dissatisfied to appeal against

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such

Persons authorized to enter may force Entrance, accompanied by Peace Officer.

Penalty for obstructing or refusing to assist in any Entry.

Complaint may be made to any Justice as to any Offence not specially provided for.

Parties dissatisfied may appeal to Quarter Sessions, on entering into Recognizance.

Justices to  
determine  
Matters of  
Appeal.

such Conviction to the Justices of the Peace at the next practicable General Quarter Sessions of the Peace for the County wherein such Proceedings as aforesaid shall have been taken; and if within such Period of *Four Days* such Appellant shall have entered into such Recognizance, and shall have given such Notice as aforesaid, then it shall be lawful for such Justices and they are hereby empowered to proceed to hear and examine into the Matters of such Appeal, and to finally determine the same; and the Provisions of the said Act of the Eleventh and Twelfth Year of Her present Majesty, Chapter Forty-three, with respect to Costs and other Proceedings consequent on Appeals against summary Convictions by Justices, shall be applicable to such Case.

Prosecutions  
for Penalties  
not to be  
commenced  
after Twelve  
Months.

CXXXVI. Provided always, That it shall not be lawful for any Person to commence any Prosecution or other Proceeding whatsoever in any Court in respect of any Penalty or Forfeiture under this Act unless within *Twelve Months* after such Penalty or Forfeiture shall have been incurred.

Penalties not  
otherwise  
appropriated  
to go to the  
General  
Fund.

CXXXVII. The Monies arising from any Penalties or Forfeitures which shall be sued or proceeded for under this Act, and not herein otherwise specially appropriated, shall from Time to Time be paid to the Clerk of the Court of Metropolitan Buildings, and shall be applied in aid of the General Fund of the said Court.

Informality  
in Distress  
not to affect  
Proceedings.

CXXXVIII. Where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser ab initio on account of any Defect, Want of Form, or Irregularity in the Mode of distraining or in any of the Proceedings relating thereto, but if any Irregularity be committed the Person aggrieved thereby shall be entitled to recover full Satisfaction for the special Damage by Action on the Case.

And for the Protection of Persons acting in the Execution of this Act, be it enacted,

Actions not  
to be brought  
after Twelve  
Months.

CXXXIX. That it shall not be lawful to bring any Action or Prosecution for any Thing done in pursuance of this Act after the Expiration of *Twelve Months* after such Thing shall have been done, nor unless Notice in Writing of such Action, and of the Grounds thereof, shall have been given to the Person intended to be sued at least *One Month* before commencing such Action; and if upon the Trial of any such Action it appear that the said Matter or Thing was authorized by or done in pursuance of this Act, or that such Action was not commenced within the Time herein limited, or that

Jury to find  
for Defen-  
dant if acting  
in pursuance  
of Act;

that no sufficient Notice was given as aforesaid, or that such Action was brought before the Expiration of *One Month* after such Notice, or that Tender of sufficient Amends was made before such Action was brought, or if upon Payment of Money into Court it shall  
 5 appear that the Plaintiff has not sustained Damages to a greater Amount than the Sum paid into Court, then and in every such Case the Jury shall find their Verdict for the Defendant; and in that Case, or if the Plaintiff in any such Action become nonsuited, or suffer a Discontinuance of any such Action, or if Judgment be  
 10 given for the Defendant therein on Demurrer or otherwise, then the Defendant shall be entitled to have Judgment to recover full Costs of Suit.

or if Action commenced untimely; or if sufficient Tender was made; or sufficient Damages paid into Court. Defendant to be entitled to Costs.

CXL. And if the Defendant in any such Action as last aforesaid apply to the Court in which such Action is pending, or to any  
 15 Judge thereof, it shall be lawful for such Court or any such Judge to require the Plaintiff to give such Security as such Court or Judge shall think fit for the Payment of all Costs, Charges, and Expenses incurred or to be incurred in and about the said Action, and which shall be or become payable by him on the Taxation thereof by the  
 20 proper Officer.

Plaintiff to give Security for Payment of Costs, if required.

CXLI. Whenever in any Proceeding under this Act it shall become necessary to mention the Owner or Occupier of any Premises it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Owner or Occupier of Premises to be sufficient Designation.

CXLII. In any Proceeding under this Act in respect of which  
 25 Two or more Owners or Occupiers of Premises may be jointly interested or liable it shall be sufficient to proceed against any One or more of them, without in any Manner proceeding against the others or other of them, but nothing herein contained shall prevent any  
 30 Party so proceeded against from recovering Contribution in any Case in which he would be entitled to Contribution by Law.

Proceedings may be taken against One of Two or more Owners or Occupiers of any Premises.

CXLIII. Every Person who shall be appointed or shall act as Architectural Referee, Assistant Surveyor, or District Surveyor under this Act shall, so long as he shall continue to hold any such Office,  
 35 be exempted from serving on Juries.

Referee and Surveyors not to serve on Juries.

CXLIV. If at any Time it shall, by reason of the Increase of Population or of the Number of Buildings or otherwise, appear to Her Majesty in Council to be expedient to extend the Provisions of this Act to any Parish, Part, or Place situated beyond the Limits above  
 40 defined, but within the Distance of *Twelve Miles* in a straight Line from  
 69.

Her Majesty in Council may extend Act to any Place within Twelve Miles from Charing Cross.

Notice to be published One Month before Extension be taken into consideration.

Copies to be sent to Overseers; to be affixed to Church Doors. Order to be published.

Act may be cited by Short Title.

from Charing Cross in the City of Westminster, then it shall be lawful for Her Majesty to direct, by Order in Council, that, at and from a Time to be named in such Order, the Provisions, Rules, and Directions of this Act shall extend and apply to such Parish, Part, or Place, and at and from the Time so named all the Provisions, Rules, 5 and Directions, whether penal or otherwise, in this Act contained, shall apply and extend to such Parish, Part, or Place, as fully and effectually as if such Parish, Part, or Place had been expressly included in the Limits herein defined; and Notice of the Time when it shall please Her Majesty to order the Matter of any such Extension 10 to be taken into consideration by Her Privy Council shall be published in the London Gazette *One Month* at the least before such Matter shall be taken into consideration; and *Three Weeks* at the least before such Matter shall be so taken into consideration the Clerk of the Court of Metropolitan Buildings shall transmit Copies of such Notice 15 to the Overseers of the Poor of the Parish or Parishes within which any such Part or Place is situate; and such Overseers shall cause Copies of such Notice to be fixed on the principal outer Doors of the Churches and Chapels within such Parish or Parishes; and the said Clerk shall cause every Order in Council made in pursuance 20 of this Act to be published in the London Gazette, and at the least once in each of *Three* successive Weeks in some Newspaper published and circulating within the Limits of this Act.

CXLV. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the 25 Words "The Metropolitan Buildings Act, 1851."

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SCHEDULES to which the foregoing Act refers.

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SCHEDULE (A.)

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RULES FOR ASCERTAINING THE DIMENSIONS AND RATES OF BUILDINGS.

1.—*Height of Buildings.*

The Height of every Building is to be ascertained by measuring from the Surface of the lowermost Floor up to the under Side of the Ceiling, made or intended to be made to the uppermost Story, at the highest Part of such Ceiling; or if there be no such Ceiling, then up to the under Side of the Tie-beam, Collar-beam, or other Substitute for a Tie-beam, in the upper Part of the Roof of the Building; and if there be no such Tie-beam, Collar-beam, or other Substitute for a Tie-beam, then up to a Level Three Feet below the Level of the under Side of the Ridge-piece, or Substitute for a Ridge-piece, in the Roof of such Building.

2.—*Height of Stories.*

The Height of every Story is to be ascertained by measuring from the under Side of the Floor forming the Base of the Story, or from the Surface of the Ground if there be no other Floor, up to the under Side of the Floor or Ceiling above the Story, or if there be no such Floor or Ceiling above the Story, then as herein-before directed for ascertaining the Height of Buildings.

3.—*Area of Buildings.*

The Area of every Building is to be ascertained by measuring the Area contained in the Surface of the Floor of such Building which shall contain the greatest Number of Superficial Feet, including in such Surface the Area of all the external Walls, and such Portions of the Party Walls as belong to such Building, and also the Area of any attached Building or Office built higher than the Ceiling of the Ground Story of the main Building, but excluding from such Surface the Area of any attached Building or Office adjoining to an external Wall of the main Building, and not built higher than the Level aforesaid, whether communicating with the main Building or not, and also any open Area, Balcony, or open Portico.

4.—*Capacity of Buildings.*

The Capacity or Cubical Content of every Building is to be ascertained by measuring according to the Rule for ascertaining Area, and from the Surface of the lowermost Floor up to the under Surface of the Roof Covering of such Building.

5.—*Number of Stories.*

In ascertaining the Number of Stories in any Building, all the Stories in such Building, including Rooms in the Roof thereof, are to be counted.

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And if the Space between the Top of the Footing and the Level of the lowermost Floor exceed Five Feet in Height, then such Space is to be considered to be the lowermost or First Story, and in that Case Nine Inches above the Top of the Footing is to be considered the Level of the lowermost Floor.

### 6.—*Rates of Buildings.*

For the Purposes of this Act, all Buildings, of whatever Kind, are to be deemed to belong to one or other of the Rates set forth in the following Table, according to the Height, Area, and Number of Stories of such Buildings.

HEIGHT.	AREA.	NUMBER OF STORIES.	RATE.
If any Building exceed Eighty-five Feet in Height,	Or exceed 2,000 Superficial Feet, or Twenty Squares in Area,	Or contain more than Seven Stories,	It is to be of the extra First Rate.
If any Building not being of the extra First Rate exceed Seventy Feet in Height,	Or exceed 1,000 Superficial Feet, or Ten Squares in Area,	Or contain Seven Stories,	It is to be of the First Rate.
If any Building not being of the extra First or First Rate, exceed Fifty-two Feet in Height,	Or exceed 600 Superficial Feet, or Six Squares in Area,	Or contain Six Stories,	It is to be of the Second Rate.
If any Building not being of the extra First, First or Second Rate, exceed Thirty-eight Feet in Height,	Or exceed 450 Superficial Feet, or Four and a Half Squares in Area,	Or contain Five Stories,	It is to be of the Third Rate.
If any Building do not exceed Thirty-eight Feet in Height,	And do not exceed Four and a Half Squares in Area,	And do not contain more than Four Stories,	It is to be of the Fourth Rate.

And every attached Building or Office, belonging to another Building, and which according to this Schedule is not to be included in ascertaining the Area of such other Building, and also every detached Building or Office, is to be rated as a separate and distinct Building, and every attached Building or Office to be included in ascertaining the Area of any Building is to be deemed a Part of that Building.

## SCHEDULE (B.)

### RULES CONCERNING THE ENCLOSURE, SEPARATION, AND DIVISION OF BUILDINGS, AND THE REBUILDING AND REPARATION OF BUILDINGS AND WALLS, AND THE ALTERATION, RAISING, ENLARGING, AND UNITING OF BUILDINGS.

#### 1.—*Enclosure of Buildings.*

Every Building must be inclosed on every Side by external Walls or by Party Walls, except as herein-after provided.

#### 2.—*Separation*

## 2.—*Separation of Buildings from adjoining Premises.*

Every Building must be separated from every other Building adjoining thereto, not being an attached Building or Office in the same Occupation therewith, either by a Party Wall of the requisite Thickness and Height for whichever of the Buildings parted thereby shall require the greater Thickness and Height, or by an external Wall exclusively belonging to such first-mentioned Building, and built against the enclosing Wall of such other Building.

Every Building, or Part of a Building intermixed with any other Building or Part of a Building, must be separated from such other Building or Part, so far as such Buildings or Parts adjoin vertically by Party Walls, and so far as they adjoin horizontally by Party Arches or Fire-proof Floors in lieu thereof.

Every Building must be separated from all Ground adjoining thereto, and not in the same Occupation therewith, either by a Party Wall or by an external Wall exclusively belonging to such Building.

And all Rooms or Stories lying intermixed with other Rooms or Stories the Property of different Owners in the same Building, (except in Buildings in Sergeants Inn Chancery Lane, or in any of the Four Inns of Court, or in any of the Inns of Chancery, or other Inns set apart for the Study or Practice of the Law, and other Buildings divided into Chambers, Offices, or Counting-houses, and let out in separate Suites or Sets, and not exceeding Thirty-five Squares in Area within the same inclosing Walls,) must be separated from such other Rooms or Stories so far as they adjoin vertically by Party Walls, and so far as they adjoin horizontally by Party Arches or Fire-proof Floors in lieu thereof.

## 3.—*Division of certain Buildings exceeding Thirty-five Squares in Area.*

No Building containing Chambers, Offices, or Counting-houses, (whether in any of the Inns of Court or other Inns aforesaid, or elsewhere,) let out or to be let out in separate Suites or Sets, which are not separated by Party Walls and Party Arches or Fire-proof Floors in conformity with the Rules of this Act, may be built, rebuilt, or enlarged by the Addition of any other Building, or otherwise, so as to exceed Thirty-five Squares in Area, unless such Building be divided by Walls built in every respect as by this Act Party Walls are required to be built, in such Manner that no Part thereof shall exceed Thirty-five Squares in Area without such Walls.

And if any Building or any Two or more united Buildings exceeding Thirty-five Squares in Area be altered or converted to or newly used for any such Purpose, then every such Building must in like Manner be so divided as aforesaid.

## 4.—*Division of certain Buildings exceeding 200,000 Cubic Feet in Capacity.*

No Building, excepting any public Building and any Building to be used as a Dwelling House only, may be built, rebuilt, raised, or enlarged by the Addition of any other Building thereto or otherwise so as to contain more than 200,000 Cubic Feet, unless such Building be divided by Walls built in every respect as by this Act Party Walls are required to be built, in such Manner that there shall not be in any Part of such Building more than 200,000 Cubic Feet without such Walls, or unless such Building be divided by such other internal Divisions as the District Surveyor shall, by special Certificate in that Behalf, certify to be proper and sufficient to effect the Purposes of this Act, in such Manner that there shall not be in any Part of such Building more than 200,000 Cubic Feet without such internal Divisions.



And if any Building or any Two or more united Buildings containing more than 200,000 Cubic Feet be altered or converted to or newly used for any Purpose (except as aforesaid), then every such Building must in like Manner be so divided as aforesaid.

*5.—Division of Buildings not wholly in the same Occupation.*

If any Building either already or hereafter built be divided into Two or more distinct Parts, or be converted, used, or occupied as Two or more separate Buildings, each having a separate Entrance and Staircase, or a separate Entrance from without, then such Building shall be deemed to be Two or more separate Buildings, and such separate Buildings must be separated from each other in such Manner as is by this Act prescribed concerning the Separation of Buildings from adjoining Buildings, or in such Manner as by special Certificate in that Behalf the District Surveyor shall certify to be proper and sufficient to effect the Purposes of this Act.

*6.—Use of existing Walls as Party Walls.*

If any Wall, although of sufficient Thickness, be not sound, or be defective or out of Repair, then such Wall shall not be used as a Party Wall for any Building intended to be built or rebuilt against the same, but shall be taken down and rebuilt, or be repaired, as the Case may require.

If any Wall be not in every respect conformable to the Rules of this Act concerning Party Walls for Buildings of the Rate and Dimensions of the Building adjoining or intended to adjoin thereto which shall require the greater Height and Thickness for the Party Walls thereof, then such Wall shall not be used as a Party Wall for any Building or Addition thereto hereafter built or rebuilt, but such Wall shall be taken down and rebuilt in conformity with such Rules, or an external Wall shall be built against such Party Wall.

Nevertheless, if any Wall built before the First Day of January One thousand eight hundred and forty-five be at the least Thirteen Inches in Thickness in every Part, and be in every respect (except as to the Thickness thereof) conformable to the Rules of this Act concerning Party Walls, and be in good Condition, then such Wall may be used as a Party Wall for a Building of any Rate, and may continue to be so used so long as such Wall remains sound and good.

*7.—The rebuilding of Buildings not conformable to this Act.*

Whenever the vertical Enclosures of any Building, or any of them, shall, either at once or at different Times after this Act shall come into operation, be taken down or demolished to any Extent exceeding collectively One Half of the whole Surface of the vertical Enclosures of such Building, then every Part of such Building not conformable to the several Rules of this Act shall be taken down, unless by special Certificate in that Behalf the District Surveyor shall certify that any Part of such Building may with a due Regard to the Purposes of this Act be suffered to remain.

*8.—The rebuilding of Party Structures not conformable to this Act.*

Whenever the vertical Enclosures of any Building or any of them, shall, either at once or at different Times after this Act shall come into operation, be taken down or demolished to any Extent collectively exceeding One Fourth Part of the whole Surface of the vertical Enclosures of such Building, then any Party Structure separating such Building from

from any other Building, or separating any Rooms or Stories in such Building from any other Rooms or Stories the Property of different Owners in the same Building, so far as such Party Structure shall be so deficient in Thickness, or so unsound, or of such improper Materials, or otherwise so defective, as to be unfit for the Purposes of a Party Structure, must be taken down, and such Buildings, Rooms, or Stories must be separated from each other in such Manner as is by this Act prescribed.

And whenever any such Party Structure so unfit for the Purposes of a Party Structure as aforesaid shall, either at once or at different Times after this Act shall come into operation, be taken down or demolished to any Extent exceeding One Half of the whole Surface thereof, then every Part thereof so unfit for the Purposes of a Party Structure shall be taken down, and the Buildings, Rooms, or Stories parted thereby shall be separated from each other in such Manner as is by this Act prescribed.

And whenever any Timber Partition by which any Buildings are separated, or any Wall over any such Timber Partition, or any one of the Fronts of any Building parted by any Timber Partition or Partitions from any other Building, shall, either at once or at different Times after this Act shall come into operation, be taken down or demolished throughout the Height of Two Stories, or for a Space equal to One Half of such Partition or of such Front respectively from the Level of the Second Floor upwards, then every Part of such Partition, together with any Wall over the same, shall be taken down, and such Buildings shall be separated from each other in such Manner as is by this Act prescribed.

Nevertheless, if in any such Case, for the Purpose of public Improvements by or under the Sanction of any Public or Parochial Authorities, it be desired partially to rebuild any Building, without pulling down all the Portions thereof which are irregular, or such Portions thereof as are herein-before required to be pulled down, and if, by special Certificate in that Behalf, the District Surveyor shall certify that it is expedient to permit the same, then any one of the Fronts of such Building may be taken down and rebuilt, without pulling down such Timber Partitions or other irregular Structure.

#### 9.—*The rebuilding of external Walls not conformable to this Act.*

Whenever any external Wall or Inclosure not built in the Manner and of the Materials by this Act directed shall, either at once or at different Times after this Act shall come into operation, be taken down or otherwise demolished throughout the Height of Two Stories, or throughout a Space equal to One Half of the whole Surface of such external Wall or Inclosure, then such Part thereof so taken down or otherwise demolished shall not be rebuilt, unless every Part of such external Wall or Inclosure not built in the Manner and of the Materials by this Act directed be also taken down and rebuilt in conformity with the Rules of this Act concerning external Walls.

#### 10.—*The Reparation of external Walls and Roofs not conformable to this Act.*

Any external Wall or Inclosure built before the First Day of January One thousand eight hundred and forty-five, and not being the Inclosure of any Roof, Flat, or Gutter, or of any Erection on any Roof or Flat, although not built of the Materials required by this Act, may be repaired with Materials of the same Kind as those of which it was originally built, or with any other better and less combustible Materials.

But if any Part of any Roof, Flat, or Gutter, or of any Erection on any Roof or Flat, be hereafter stripped, ripped, or uncovered, every such Part shall be covered with the Materials directed by this Act, whatever may have been the Materials with which it was previously covered.

*11.—The Alteration of Buildings.*

No Alteration may be made nor any Work done (unless by this Act expressly allowed) in or in connexion with any Building in consequence of which Alteration or Work such Building or any Part or Appendage thereof, or any other Building, would be or become contrary to any of the Rules of this Act, or less conformable thereto than such Building, Part or Appendage, or such other Building, was before the Commencement of such Alteration or Work.

*12.—The raising of Buildings and Walls.*

No Building may be raised, unless the external Walls and Party Walls and Chimneys thereof when so raised shall be throughout of the Materials and of the several Heights and Thicknesses prescribed by this Act for the external Walls and Party Walls and Chimneys of Buildings of the Rate to which such Building when so raised shall belong.

Nevertheless, if by special Certificate in that Behalf the District Surveyor shall certify that the Walls of any Building built before the First Day of January One thousand eight hundred and forty-five are sufficiently secure to allow of the raising thereof, then such Building or Walls may be raised to an additional Height not exceeding Twelve Feet, although such Walls would not be conformable to the Rules of this Act in respect of the Thickness of external Walls and Party Walls.

*13.—The Enlargement of Buildings.*

If any Building either already or hereafter built be enlarged by any Addition made thereto, such Addition not being an attached Building to be distinctly rated, the external and Party Walls of such Addition must be built in conformity with the Rules of this Act for the Rate of such Building when so enlarged.

*14.—The uniting of Buildings.*

Buildings or Premises may not be united by making any Opening in any Wall or other Structure separating the same, unless such Buildings or Premises be wholly in the same Occupation.

And if any Two Buildings be not inclosed by external Walls and Party Walls conformable to the Rules of this Act, and of sufficient Thickness for the external Walls and Party Walls of a Building of the Dimensions of such Two Buildings taken together as One Building, or if any Two Buildings when united would exceed Thirty-five Squares in Area, or 200,000 Cubic Feet in Capacity, being Buildings which in such Case are by this Act required to be divided, then no Opening in any Wall or other Structure separating the same may be made wider than Seven Feet or higher than Eight Feet; and each Opening must have the Floor, Jambs, and Head thereof formed of Brick, Stone, or Iron Work, and must have Two strong Wrought-iron Doors One Fourth of an Inch thick in the Panels thereof, distant from each other the full Thickness of the Wall, fitted and hung in rebated Frames without Woodwork of any Kind, unless by special Certificate in that Behalf an Official Referee shall certify that any Openings may be otherwise made with a due Regard to the Purposes of this Act.

And no Opening may be made in any Wall or other Structure dividing any Building which by this Act is required to be divided into Parts not exceeding Thirty-five Squares in Area, or 200,000 Cubic Feet in Capacity, except in accordance with such and the same Conditions as are set forth in the foregoing Rule.

And

And every Wall which has been built for or used as a Party Wall is to be and to continue to be subject to the Rules and Directions of this Act in respect of Party Walls, whether the Buildings parted thereby continue in different Occupations or not.

And whenever any Buildings shall cease to be in the same Occupation, every Opening in any Wall or other Structure separating the same must be stopped up with Brickwork of the full Thickness of such Wall or Structure, and properly bonded therewith.

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## SCHEDULE (C.)

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### RULES CONCERNING THE CONSTRUCTION, MATERIALS, AND DIMENSIONS OF WALLS AND OTHER INCLOSURES OF BUILDINGS.

#### 1.—*Foundations of Walls.*

Every external Wall and every Party Wall must be built upon solid Ground, or upon other sufficient Foundation.

#### 2.—*Materials of Walls.*

Every external Wall and every Party Wall must be built from the Foundation to the Top thereof of sound Bricks or Stone, or of such Bricks and Stone together laid in and with proper Mortar or Cement, in such Manner as to produce solid Work.

#### 3.—*Footings of Walls.*

The Base of the Footing of every Wall by this Act required to be in any Part Twenty-one and a Half Inches or more in Thickness must be at least Seventeen and a Half Inches wider than such Wall, and the Height of such Footing must be at the least Eleven Inches.

The Base of the Footing of every Wall by this Act required to be in any Part Seventeen and a Half Inches in Thickness must be at the least Thirteen Inches wider than such Wall, and the Height of such Footing must be at the least Eight Inches.

The Base of the Footing of every Wall by this Act required to be in any Part Thirteen Inches or less in Thickness (except the external Walls of attached or detached Buildings not exceeding in Area One Square nor in Height Eight Feet) must be at the least Eight and a Half Inches wider than such Wall, and the Height of such Footing must be at the least Five Inches.

And the Top of the Footing of every external Wall and of every Party Wall must be at the least Four Inches wider than such Wall.

And every Footing of the Widths hereby required must diminish gradually from the Base to the Top thereof, and must project equally on each Side of the Wall to which it belongs.

But the Footing of any external Wall built against any other Wall may be built without the Projection hereby required on the Side next to such other Wall.

And the Top of the Footing of every external Wall and of every Party Wall must be at the least Three Inches below the Surface of the Ground or Area adjoining thereto on either Side, and Six Inches below the Surface of the lowermost Floor.

#### 4.—*Thickness of Walls.*

Each of the external Walls and Party Walls of every Building of the extra First Rate must be at the least,—

Thirteen Inches in Thickness throughout the uppermost Story and in every Part above the Ceiling of the uppermost Story; and

Seventeen and a Half Inches in Thickness throughout the Three Stories next below the uppermost Story; and

Twenty-one and a Half Inches in Thickness in every Part below the uppermost Three Stories.

And each of the external Walls and Party Walls of every Building of the First Rate must be at the least,—

Thirteen Inches in Thickness throughout the uppermost Two Stories, and in every Part above the Ceiling of the uppermost Story; and

Seventeen and a Half Inches in Thickness throughout the Three Stories next below the uppermost Two Stories; and

Twenty-one and a Half Inches in Thickness in every Part below the uppermost Five Stories.

And each of the external Walls and Party Walls of every Building of the Second Rate must be at the least,—

Thirteen Inches in Thickness throughout the uppermost Three Stories, and in every Part above the Ceiling of the uppermost Story; and

Seventeen and a Half Inches in Thickness in every Part below the uppermost Three Stories.

And each of the external Walls and Party Walls of every Building of the Third Rate must be at the least,—

Eight and a Half Inches in Thickness throughout the uppermost Story, and in every Part above the Ceiling of the uppermost Story; and

Thirteen Inches in Thickness throughout the Three Stories next below the uppermost Story; and

Seventeen and a Half Inches in Thickness in every Part below the uppermost Four Stories.

And each of the external Walls and Party Walls of every Building of the Fourth Rate (except the external Walls of attached or detached Buildings, not exceeding in Area One Square, nor in Height Eight Feet,) must be at the least,—

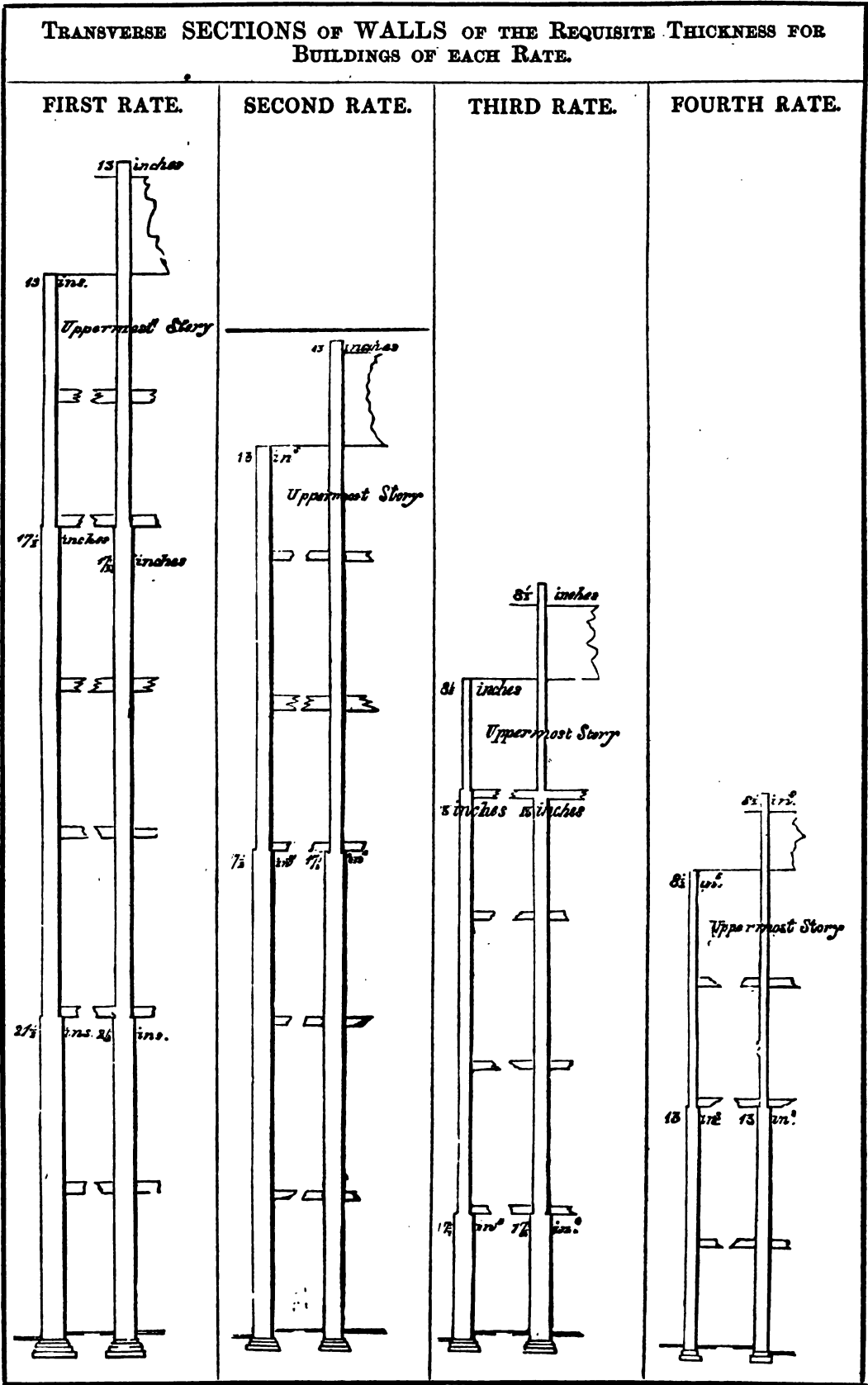
Eight and a Half Inches in Thickness in every Part above the Ceiling of the uppermost Story, and throughout the uppermost Two Stories; and

Thirteen Inches in Thickness in every Part below the uppermost Two Stories.

#### 5.—*Thickness and Footings of external Walls of certain Office Buildings.*

The external Walls of attached or detached Buildings not exceeding in Area One Square nor in Height Eight Feet must be at the least Four Inches in Thickness, except the Quoins and Jambs of all Door and Window Openings therein, which must be at the least Eight and a Half Inches in Thickness for the Length of Eight and a Half Inches upon every such Quoin and upon every such Jamb, and the same must be built upon Footings at the least Four Inches wider than the Wall standing thereon.

#### 6.—*Greater*



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**6.—Greater Thickness of Walls, according to Height of Stories.**

If any Story in any Building exceed in Height any of the Heights hereunder mentioned, then each of the Party Walls and external Walls inclosing such Story, either throughout the whole Length of such Wall or in Piers, which taken collectively shall be equal in Width to One Third Part at the least of the Length of such Wall, and which shall be properly distributed, must be at the least of the following Thickness, according to the Height of the Story, notwithstanding that a less Thickness may be required for the Rate of the Building; that is to say,

Twenty-six Inches in any Story exceeding Twenty-eight Feet in Height;

Twenty-one and a Half Inches in any Story exceeding Twenty Feet and not exceeding Twenty-eight Feet in Height;

Seventeen and a Half Inches in any Story exceeding Fifteen Feet and not exceeding Twenty Feet in Height;

Thirteen Inches in any Story exceeding Eleven Feet and not exceeding Fifteen Feet in Height;

Unless any such inclosing Wall be abutted by such Cross or Return Walls or Buttresses or Piers of additional Thickness coursed and bonded therewith, as by special Certificate in that Behalf the District Surveyor shall certify to afford Strength equivalent to Piers of the Thickness and collective Width above specified.

If under this Rule any Wall or Part thereof be required to be of greater Thickness than would be otherwise required for such Wall in the same Story, then the whole of the Substructure vertically below the Piers of greater Thickness must also to the same Extent exceed the Thickness otherwise required for such Substructure.

**7.—Greater Thickness of certain Stone Walls.**

Walls built of Stone, of which the Beds are not parallel, must be of a Thickness greater by at least Four Inches than the Thickness otherwise required for the same.

**8.—Rule for ascertaining Thickness of Walls and Width of Footings.**

The Thickness of every Wall, and the Width of the Footing thereof, are to be ascertained by measuring only the Thickness or Width of which such Wall or Footing shall have been originally built.

**9.—Height of external Walls.**

Every external Wall must be carried up to the under Side of the Plate under the Roof, and if there be any Gable, then through such Gable to the under Side of the Roof Covering.

Every external Wall within Four Feet from any Building or Ground not in the same Occupation, and not being or intended to be a public Way, (measured at Right Angles from the Face of such Wall,) must be carried up to the same Height above the Roof, Flat, or Gutter of the Building to which it belongs, and above any Erection on such Roof or Flat within the Distance of Four Feet from the Line of Junction of such Building or Ground as is by this Act prescribed for Party Walls.

**10.—Openings in external Walls.**

Such Openings as are requisite for Doors and Windows may be made in external Walls, but no Opening may be made in any external Wall within Four Feet from the Boundary of any Premises not in the same Occupation, and not being or intended to be a public Way, (measured at Right Angles from the Face of such Wall,) except that any Opening now lawfully

lawfully existing in any such external Wall may be retained when such Wall is rebuilt, and also any new Opening to which the adjoining Owner shall have given his Consent in Writing may be made, but subject always in either of such Cases to the same Conditions as are by this Act prescribed with regard to Openings allowed to be retained in rebuilding Party Walls.

#### 11.—*Recesses in external Walls.*

Recesses may be formed in external Walls, but only so that the Back thereof be of the Thickness of Eight and a Half Inches at the least, and so that the Stability and Sufficiency of the Wall be not injuriously affected thereby.

#### 12.—*Timber, &c. in external Walls.*

Such Timber and Iron as shall be necessary may be laid or fixed in external Walls, but no Timber or Woodwork of any Kind (except Brestsummers and Story Posts under the same, and except the Frames of Doors and Windows in the Ground Story of any Building,) may be fixed in any external Wall within a Distance of Four Inches at the least from the external Face of such Wall.

No Timber Brestsummer may be fixed to support any Wall so that the under Side of such Brestsummer would be more than Eighteen Feet above the Level of any public Way in front of the Building to which such Brestsummer belongs.

And every Brestsummer must have a Bearing at each End of Four Inches, in the Direction of the Length of the Brestsummer, upon a sufficient Wall or Pier of Brick or Stone, or upon a sufficient Timber or Iron Story Post fixed on a solid Foundation.

And where a Brestsummer has any Bearing upon a Party Wall, it must be laid on a Template or Corbel of Stone or Iron, tailed through such Wall at least Half the Thickness thereof; and the End of such Brestsummer must not have its Bearing solely upon such Party Wall, but must be supported by a sufficient Pier built of Brick or Stone, or by a sufficient Iron Column or Iron or Timber Story Post fixed on a solid Foundation.

#### 13.—*Materials of Projections from external Walls.*

Every Coping, Parapet, Blocking Course, Cornice, Pier, Column, Pilaster, Entablature, Facia, Door or Window Dressing, and every architectural Decoration forming Part of an external Wall, and all Eaves or Cornices to any overhanging Roof, must be built of the same Materials as are by this Act required to be used for building external Walls, or of such other Materials as by special Certificate in that Behalf the District Surveyor shall certify to be proper and sufficient.

Every Balcony, Verandah, Porch, Portico, Shop Front, Area Inclosure, Step, Water Pipe, and every other Projection from any external Wall not forming Part thereof (except the necessary Woodwork of Windows and Doors, and the Frames thereof, and of Shop Fronts, as by this Act allowed,) must be built of Brick, Tile, Stone, artificial Stone, Slate, Cement, or Metal, or other proper and sufficient Fire-proof Materials.

#### 14.—*Wooden Shop Fronts.*

If the Entablatures, Pilasters, Shutters, Stall Boards, or other Parts of any Shop Front be made of Wood, then in any Street or Alley less than Thirty Feet in Width no Part of such Shop Front, except the Cornice, may project beyond the Face of the external Wall of the Building more than Five Inches, nor may the Cornice project therefrom more than Thirteen Inches; and in any Street or Alley not less than Thirty Feet in Width no Part of such Shop Front, except the Cornice, may project from the Face of the external Wall



of the Building more than Ten Inches, nor may the Cornice project therefrom more than Eighteen Inches.

No Part of the Woodwork of any Shop Front may be fixed nearer than Four and a Half Inches to the Line of Junction of any adjoining Premises; and if any such Woodwork be put at a Distance from such Line of less than One Half of the Thickness required for a Party Wall of the Building to which such Shop Front belongs, then a Pier or Corbel built of Stone or of Brick or other incombustible Materials, and of the Width of Four and a Half Inches at the least, must be built or fixed next to such adjoining Premises so as to be as high as such Woodwork, and so as to project One Inch at the least in front of the Face thereof.

And no Part of the Woodwork of any Shop Front may be fixed more than Twenty Feet in Height above the Level of the public Way in front thereof.

#### 15.—*Height of Party Walls.*

Every Party Wall must be carried up above the Roof, Flat, or Gutter of the highest Building adjoining thereto, and also above any Part of such Roof which shall be within the Distance of Three Feet opposite thereto, to the Height hereunder mentioned, according to the Rate and Description of such Building; that is to say,

If such Building be of the extra First, First, or Second Rate, then at the least Eighteen Inches;

If such Building be of the Third or Fourth Rate, then at the least One Foot;

And such Height is to be measured at Right Angles from the Back of the Rafters of any Roof, and from the highest Part of any Flat or Gutter, as the Case may be.

And every Party Wall must be carried up above any Turret, Dormer, Lantern-light, or other Erection of combustible Materials fixed upon the Roof or Flat of any Building within Four Feet from such Party Wall, and must extend at the least Twelve Inches higher and wider on each Side than such Erection.

#### 16.—*Openings in Party Walls.*

No Opening may be made in any Party Wall, except for the Purpose of uniting Buildings in accordance with the Rules of this Act.

Nevertheless, if any Party Wall which at the Time when this Act shall come into operation contains any Opening to which any Owner is lawfully entitled, be rebuilt, and if by special Certificate in that Behalf the District Surveyor shall certify that such Opening is essential to the beneficial Use and Enjoyment of the Premises to which it belongs, then such Opening may be retained in the new Party Wall, but only upon condition that any Building within Four Feet from such Opening, or the Wall underneath the same, shall be in every Part within such Distance covered by a Roof formed and supported in the same Manner in every respect as is by this Act prescribed for Party Arches, or Fire-proof Floors in lieu thereof, or that a Hopper formed of Wrought Iron at least One Quarter of an Inch thick be fixed to such Opening so as to extend from the Sill upwards at least One Third of the Height of such Opening, and project from the Wall at least to the same Extent; and every such Opening must be provided with proper Iron Shutters or other sufficient Means of closing the same in case of Fire, and no Woodwork may be fixed in or about the same.

#### 17.—*Recesses in Party Walls.*

No Recess may be formed in any Party Wall unless, by special Certificate in that Behalf, the District Surveyor shall certify that the Stability and Sufficiency of such Wall will not be injuriously affected thereby.

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Every such Recess must be arched over, and the Back of every such Recess in the first or lowermost Story must be distant Seven Inches at the least from the Centre of the Party Wall, and above the first or lowermost Story must be distant at the least Four Inches from the Centre of the Party Wall.

#### 18.—*Chases in Party Walls.*

The requisite Chases for the Insertion of the Ends of Walls, of Piers, of Pipes for the Conveyance of Water or of Soil, or of Iron Story Posts, may be left or cut in Party Walls; but no Chase may be left or cut wider than Fourteen Inches, nor more than Four and a Half Inches deep from the Face of the Wall, nor so as to leave less than Eight and a Half Inches in Thickness at the Back or either Side thereof; and no Chase may be made within a Distance of Seven Feet from any other Chase on the same Side of the Wall.

#### 19.—*Timber in Party Walls.*

The bearing Ends of Trimmers, Brestsummers, Girders, Partition Heads and Sills, and of the main Timbers of Roofs, which it may be desired to connect with any Party Wall, may be laid into the Substance of a Party Wall.

But no such Timber may be laid or placed within Eight and a Half Inches from the Face of the Wall next to any adjoining Building or Ground, or from any Timber belonging to any adjoining Building, unless the whole Surface of such Timber in the Wall be cased with Iron not less than One Quarter of an Inch thick, which Iron Casing must not be laid within Four Inches from the Face of the Wall next to the adjoining Premises, or from any Timber belonging to any adjoining Building.

And no Timber Brestsummer may be inserted in any Party Wall nearer than Four and a Half Inches to the Centre of such Wall, and no Timber Story Post may be inserted nearer than Six and a Half Inches to the Centre of such Wall.

And no other Woodwork of any Kind may be laid into, placed upon, or be run or driven into any Part of the Substance of any Party Wall, or placed upon the Top of any Party Wall.

And if the Ends of Timbers be carried on Iron Shoes or Stone Corbels, then such Iron Shoes or Stone Corbels must be built into the Wall at the least One Half of the Thickness of such Wall.

#### 20.—*Party Arches and other such Structures.*

Every Party Arch, or Fire-proof Floor in lieu of a Party Arch, must be formed of Brick or other proper and sufficient incombustible Materials, and must be wholly supported and abutted by Fire-proof Constructions, and must be of the Thickness of Eight and a Half Inches at the least, if the Span do not exceed Twelve Feet, and of the Thickness of Thirteen Inches at the least if the Span exceed Twelve Feet, unless by special Certificate in that Behalf the District Surveyor shall certify that less Thickness will be sufficient to effect the Purposes of this Act.

#### 21.—*Arches and Floors over public Ways and Passages.*

Every Arch or Floor over any public Way, or over any Passage leading to Premises in other Occupation, must be formed of Brick or Stone or other proper and sufficient incombustible Materials, and must be wholly supported and abutted by Fire-proof Constructions, and must be of the Thickness of Eight and a Half Inches at the least if the Span thereof do not exceed Nine Feet, and of the Thickness of Thirteen Inches at the least if the Span

exceed Nine Feet, unless by special Certificate in that Behalf the District Surveyor shall certify that less Thickness will be sufficient to meet the Purposes of this Act.

No Ceiling of Lath and Plaster, or of Lath and Cement, may be formed over any such public Way or Passage.

## 22.—*Roofs.*

There must not be more than One Story or Floor of Rooms in the Roof of any Building.

The external Parts of every Roof, Flat, or Gutter of every Building, and of every Turret, Dormer, Lantern Light, or other Erection upon any such Roof or Flat, must be covered with Slates, Tiles, Metal, Glass, artificial Stone, or Cement, except the requisite Doors and Windows and the Frames thereof in any such Erections, which may be so far made of Wood as shall be necessary.

And the Roof, Flat, or Gutter of every Building within Four Feet from any Opening in the inclosing Wall of any Building not in the same Occupation, or from the Wall underneath such Opening, must be, in every Part thereof within such Distance, formed and supported in the same Manner in every respect as is by this Act prescribed for Party Arches, or Fire-proof Floors in lieu thereof.

## SCHEDULE (D.)

### RULES CONCERNING CHIMNEYS.

#### 1.—*Substructure and Supports.*

Every Chimney or Chimney Breast and Pier must be built up from Foundations and Footings similar to those of the Wall in or next to which it shall be.

Nevertheless the Jambs, Breast, and Back of any Chimney or Chimney Stack above the Level of the Ceiling of the Second or Ground Story of any Building may be built on Corbels formed of sufficient Fire-proof Materials; but no such Jambs, Breast, or Back must in any Case project more than Nine Inches beyond any Part of the Substructure thereof (except only that a Margin not more than Eighteen Inches in Width around the Opening of any such Chimney may project Thirteen Inches); and all such corbelled Work must be properly bonded, and tied to the Wall from which the same shall project.

Also any Chimney, the Breast of which shall not exceed in Width Five Feet and Six Inches may be built in the internal Angle of a Building, but such Chimney must be properly supported on sufficient Fire-proof Constructions.

And no Part of any Chimney or Flue may be made dependent upon Timber or Wood-work for support.

#### 2.—*Chimney Openings.*

An Arch of Brick or Stone must be built over the Opening of every Chimney to support the Breast thereof, and an Iron Bar or Bars must be built into the Jambs at least Eight and a Half Inches on each Side to tie in the Abutments where the Breast projects more than Four and a Half Inches from the Face of the Wall, and the Jamb on either Side is of less Width than Seventeen and a Half Inches.

#### 3.—*Breast, Jambs, Back, and other Parts of Chimneys.*

Every Part of the Breast, Jambs, and Back of every Chimney, and the Front, Withe, Partition, and Back of every Flue, must be built of sound Bricks, properly bonded, and the

the Joints of the Work must be filled in with good Mortar or Cement, and all the Inside of every Flue, and also the Outside thereof next the Interior of any Building, must be rendered or pargetted.

The Jambs of every Chimney must not be less than Eight and a Half Inches wide on each Side of the Opening thereof.

The Breast of any Chimney, and the Front, Withe, Partition, and Back of any Flue, must not be less than Four Inches in Thickness, and the Back of any Flue in a Party Wall in and from the First or Basement Story of any Building, except Buildings of the Fourth Rate, must not be less than Eight and a Half Inches thick throughout the whole Height of the Story.

The Back of any Chimney Opening from the Hearth up to the Height of Twelve Inches above the Mantel must not be less than Eight and a Half Inches thick if in a Party Wall, or Four and a Half Inches thick if not in a Party Wall; and in the First or Basement Story of any Building of the extra First, First, or Second Rate the Back of any Chimney Opening must not be less than Thirteen Inches thick if in a Party Wall, and Eight and a Half Inches thick if not in a Party Wall.

The upper Side of every Flue, so far as its Course shall be horizontal or at an Angle less than Forty-five Degrees with the Horizon, must be Eight and a Half Inches at least in Thickness.

#### 4.—Chimney Shafts.

Every Chimney Shaft or Flue hereafter built, raised, or repaired must be carried up in Brick or Stone Work all round at the least Four Inches thick to a Height of not less than Three Feet above the Roof, Flat, or Gutter adjoining thereto, measured at the highest Point of Junction.

And the Brickwork or Stonework of any such Shaft or Flue must not be built higher than Eight Feet above the Roof, Flat, or Gutter adjoining thereto, measured from the highest Point of Junction, unless such Chimney Shaft be built of increased Thickness, or be built with and bonded to another Chimney Shaft, or be otherwise rendered secure.

Chimney Shafts for the Boiler Furnaces of Steam Engines, or for the Furnaces of Breweries, Distilleries, or Manufactories, or for other Furnaces, and all Erections similar in Form or Construction to such Chimney Shafts, whether used for Ventilation or any other Purpose, may be erected of any Height, but must be built in such Manner and of such Dimensions as by special Certificate in that Behalf the District Surveyor shall certify to afford sufficient Strength and Security.

#### 5.—Flues.

No Chimney Flue may be built of less internal Diameter in any Section than Six Inches, nor may any Flue of less internal Diameter be used for a Smoke Flue.

No Flue may be built with any Angle of less than One hundred and thirty-five Degrees unless there be made therein sufficient Openings, not less than Six Inches Diameter, with Soot Doors, so that every Part of such Flue may be swept by Machinery, and every salient or projecting Angle within a Flue must be rounded off Four Inches at the least, and protected by a rounded Stone or Iron Bar.

The Course and Size of every Flue must be distinctly marked in Black or White on each Side of every Party or internal Wall, and on the Inside of every external Wall throughout each successive Story as such Wall is carried up.

#### 6.—Chimneys built in or against old Walls.

If any Chimney or Flue be made or added to any Wall after such Wall is built, then the whole of the Brickwork of such new Chimney or Flue must be built in Cement,  
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and must be properly connected with the Brickwork of the Wall ; and if the Inside of such new Chimney or Flue is intended to be in any Part within Eight and a Half Inches from the other Side of the Wall in which it is to be inserted, or against which it is to be built, then the Brickwork of such Wall must be removed throughout the whole Thickness of such Wall, or such Part thereof, and new Brickwork inserted as aforesaid.

And no Flue may be built against any Party Structure unless a Withe at the least Four Inches in Thickness be built all round at the same Time, properly secured to such Structure.

#### 7.—*Cutting away Chimneys.*

No Chimney Breast or Shaft built with or in any Party Wall may be cut away, unless by special Certificate in that Behalf the District Surveyor shall certify that the same may be cut away without injuriously affecting the Stability of any Part of any Building.

#### 8.—*Cuttings and Openings into Chimneys.*

No Chimney Shaft, Jamb, Breast, or Flue may be cut into for any other Purpose than the Repair thereof ;

Or for letting in, removing, or altering Flues, Pipes, or Funnels for the Conveyance of Smoke, hot Air, or Steam, and Smoke Jacks ;

Or for the Formation of Soot Doors, for which Purpose every Opening must be fitted with a proper close Iron Door and Frame ;

Or for inserting certain Valves known as Dr. Arnott's Ventilating Valves, for which Purpose no Opening may be made within Nine Inches from any Timber or other combustible Substance ; and the Valve must be so arranged as not to be capable of opening more than Thirty Degrees from its vertical Position ; and every Part of such Valve must be made and fixed with incombustible Materials.

#### 9.—*Timber or Woodwork.*

No Timber or Woodwork may be placed or laid in any Wall or Chimney Breast nearer than Eight and a Half Inches to the Inside of any Flue or Chimney Opening, unless the whole Surface of such Timber in the Brickwork be cased with Iron not less than One Quarter of an Inch thick, which Iron Casing must not be laid within Four Inches from the Inside of any Flue or Chimney Opening.

And no Timber or Woodwork may be laid or placed under any Chimney Opening within Eighteen Inches at the least from the upper Surface of the Hearth of such Chimney Opening.

And no Timber or Woodwork may be laid or placed within Two Inches from the Face of the Brickwork or Stonework about any Chimney or Flue where the Substance of such Brickwork or Stonework is less than Eight and a Half Inches thick.

And no Wooden Plugs may be driven nearer than Four Inches to the Inside of any Flue or Chimney Opening, nor any Iron Holdfast or other Iron Fastening nearer than Two Inches thereto.

#### 10.—*Slabs and Hearths.*

There must be laid before the Opening of every Chimney a Slab or Slabs of Brick, Tile, Stone, Slate, Marble, or other proper and sufficient incombustible Substance at the least Twelve Inches longer than such Opening, and at the least Eighteen Inches wide in front of the Arch over the same.

And in every Floor, except the lowermost Floor, such Slab or Slabs must be laid wholly upon Stone or Iron Bearers or upon Brick Trimmers, but in the lowermost Floor any such Slab may be laid on a Brick Fender, bedded on the solid Ground.

And

And the Hearth of every Chimney must be laid and bedded wholly on Brick or Stone, or other incombustible Substance, which must be solid for a Thickness of Nine Inches at the least beneath the upper Surface of such Hearth.

#### 11.—*Close Fires, &c.*

The Brick or other Casing or Inclosure of every Oven, Furnace, Cokel, Copper, close Fire, or Stove (except any moveable Ironing Stove) must be distant at the least Four Inches from any Party Wall, and Eighteen Inches from any Timber or Woodwork; and the Floor under, and for a Distance of Eighteen Inches all round the same, must be wholly formed of proper Materials of an incombustible and non-conducting Nature.

And such Oven, Furnace, Cokel, Copper, or close Fire hereafter erected must not communicate with any Flue in a Party Wall within the Distance of Five Feet from such Oven, Furnace, Cokel, Copper, or close Fire, unless the Front and Back of such Flue be at the least Eight and a Half Inches thick.

And every moveable Ironing Stove must stand in an Iron Pan not less than Twelve Inches wider each Way than the Stove itself.

#### 12.—*Smoke Pipes, &c.*

No Tube, Pipe, or Funnel for conveying Smoke, heated Air, Steam, or hot Water may be fixed against any Building on any Face thereof next to any Street or Alley.

No Tube, Pipe, or Funnel for conveying heated Air, Steam, or hot Water may be fixed nearer than Two Inches to any Timber or other combustible Material.

No Tube, Pipe, or Funnel for conveying Smoke or the Products of Combustion may be fixed nearer than Nine Inches to any Timber or other combustible Material.

Nevertheless Tubes, Pipes, or Funnels for carrying off the Products of the Combustion of Gas may be fixed at a less Distance than Nine Inches from any Timber or other combustible Materials, subject to the following Conditions; that is to say,

Every such Tube, Pipe, or Funnel must be formed of Stoneware, Earthenware, or other proper and sufficient Fire-proof and non-conducting Material.

And every such Tube, Pipe, or Funnel must be at the least Four Inches distant from any Timber or other combustible Material, or must be inclosed in every Part within an outer and inclosing Tube of Iron or other proper and sufficient Fire-proof Material; and that such outer Tube be in every Part at the clear Distance of not less than One Inch from the inner and inclosed Tube, Pipe, or Funnel, and be distant at the least Two Inches from any Timber or other combustible Material.

And such clear Space between such inner Tube, Pipe, or Funnel and the said outer Tube must be open at one End for the Admission of cold Air, either from the Apartment in which the Apparatus may be used, or from the Outside of the Building, and must be open at the other End for the Exit of the Air so admitted, in such Manner that a Current of Air shall be induced from End to End thereof, so as to prevent the said outer Tube from acquiring the same Temperature with the said inner Tube, Pipe, or Funnel.

And where any such Tube, Pipe, or Funnel is placed between the Timber Joists of a Floor or in other close Places, the external Air must be also freely admitted into the Space surrounding such Tube, Pipe, or Funnel, whether there be or be not such outer and inclosing Tube, and Means must be provided for the Escape of such Air when it becomes warmed.

### SCHEDULE (E.)

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#### RULES CONCERNING ACCESSES AND STAIRS.

In every public Building containing more than 50,000 Cubic Feet, and also in every Building built, converted, or newly used for the Purpose of Lodging or Dwelling Rooms, or Apartments for separate Persons or Families, and containing more than 50,000 Cubic Feet, the Floors of the Halls, Vestibules, Lobbies, Corridors, Passages, Stairs, Landings, and all other Ways of Ingress and Egress within such Building to and from any Room or Apartment used for public Congregation, and to and from any Gallery being Part of or connected with any such Room or Apartment, and to and from all Rooms or Apartments used as such separate Lodging or Dwelling Rooms or Apartments, must be wholly supported, constructed, formed, made, and finished Fire-proof.

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### SCHEDULE (F.)

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#### RULES CONCERNING PROJECTIONS.

##### 1.—*Projections beyond the general Line.*

No Projection (including attached or detached Buildings, Additions to Buildings, Bows, Bow Windows, or other Erections of any kind whatsoever) may be built or made from or before any Building so as to extend beyond the general Line of the Fronts of the Buildings in any Street or Alley, except Copings, Parapets, Blocking Courses, Cornices, Piers, Columns, Pilasters, Entablatures, Facias, Door and Window Dressings, and other architectural Decorations forming Part of an external Wall, and also Eaves, and Cornices to overhanging Roofs, and also Balconies, Verandahs, open Porches, Porticoes, Shop Fronts, open Inclosures of open Areas, Steps, and Water Pipes, and other such Projections from external Walls not forming Part thereof.

But if there be a general Line of attached or detached Buildings, Additions to Buildings, Bows, Bow Windows, or other such Erections, in advance of the general Line of the main Buildings, then any Projection of similar Extent and Height may be built beyond the general Line of the main Buildings.

##### 2.—*Erections on Forecourts beyond the general Line.*

Nevertheless, if the Owners of Premises having Ground in front thereof be desirous to erect on such Ground any attached or detached Buildings, Additions to Buildings, Bows, Bow Windows, or other Projections extending beyond the general Line of the Fronts of the Buildings in any Street or Alley, and if by special Certificate in that Behalf the District Surveyor shall certify that the Interests of the Public or of the adjoining Owners will not be injuriously affected by the Erection of such Projections, or that upon the Fulfilment of certain Conditions, or upon the giving up a certain Portion of Space to the public Way, such Interests will not be so affected, then the same may be erected accordingly.

##### 3.—*Projections injurious to adjoining Owners.*

No projected Building, Bow, Bow Window, or other Projection of any kind may be built or made so as to overhang the Ground of any Owner other than the Owner of such Projection.

##### 4.—*Projections*

4.—*Projections over or under public Ways.*

No Building or Projection from any Building (including Steps, Cellar Doors or Flaps, and Area Inclosures) may be made so as to overhang, occupy, or encroach upon any public Way, except such Hoppers as are by this Act required to be fixed to Openings in Party Walls.

5.—*Porticoes of public Buildings.*

Nevertheless, if by special Certificate in that Behalf the Architectural Referee shall certify that the Portico or Porticoes of any public Building may be erected over the Foot Pavement of any Street or Alley not less than Fifty Feet in Width, with a due Regard to the Interests of the Public, and if no Objection have been made by any Party interested within One Month thereafter, or if upon any such Objection made, the Court of Metropolitan Buildings do not confirm such Objection, then such Portico or Porticoes may be so built (notwithstanding any Act heretofore passed to the contrary).

6.—*Gutters and Pipes next to public Ways.*

The Roof, Flat, or Gutter of every Building, and every Balcony, Verandah, Shop Front, or other Projection, must be so arranged and constructed, and so supplied with Gutters and Pipes, as to prevent the Water therefrom from dropping upon or running over any public Way.

## SCHEDULE (G.)

## RULES CONCERNING STREETS AND ALLEYS.

1.—*Width of Streets and Alleys.*

Every Street (excepting any Mews) must be of the Width of Forty Feet at the least in every Part thereof hereafter formed, unless all the Buildings on each Side of such Street shall be less than Thirty Feet in Height above the Level of the Street, in which Case such Street must be in every Part thereof of the Width of Thirty Feet at the least.

Every Alley and every Mews must be of the Width of Twenty Feet at the least in every Part thereof hereafter formed.

And in every Street hereafter formed, a Space equal at the least to Thirty Feet, and in every Alley hereafter formed a Space equal at least to Twenty Feet, must be devoted to the public Way, and such public Way must be set or staked out before the Commencement of any Building on either Side of such Street or Alley.

2.—*Entrances of Alleys.*

Every Alley must have Two open Ends or Entrances of the full Width required for such Alley, and open from the Ground upwards, one at the least of which must lead from some Street, and the other may lead into an open Square or Court of at the least the full Width of Forty Feet in every Direction.

3.—*Erection of Buildings in Streets or Alleys.*

No Building may be built on either Side of any Street or Alley hereafter formed at a Distance from any Building on the other Side of such Street or Alley less than the Width



hereby prescribed for Streets or Alleys respectively, nor at a Distance from the Middle of the public Way less than One Half of such Width.

No Building may be built on any vacant Ground on either Side of any public Way (whether already or hereafter formed) within a Distance from the Middle of such public Way equal to One Half of the Width hereby prescribed for Streets or Alleys respectively.

No Building, nor any Addition to any Building, in any Street or Alley already formed, may be erected in such Situation as to render such Street or Alley not conformable to any of the Rules of this Act concerning Streets or Alleys hereafter formed, or less conformable to such Rules than such Street or Alley was before the Commencement of such Erection, unless by special Certificate in that Behalf the District Surveyor shall certify that the same may be erected with a due Regard to the Interests of the Public.

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## SCHEDULE (H.)

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### RULES CONCERNING OPEN SPACES OR AREAS TO DWELLING HOUSES, ROOMS OF BUILDINGS, AND PRIVIES.

#### 1.—*Open Spaces or Areas to Dwelling Houses.*

Every Dwelling House hereafter built or rebuilt, unless all the Rooms thereof can be lighted and ventilated from the Street or Alley, must have in the Rear or Side thereof, above the Level of the Second or Ground Story, an open Space or Area exclusively belonging thereto of the Extent of at least One Square.

But if any House built before the First Day of January One thousand eight hundred and forty-five without such an open Space or Area be rebuilt, then such open Space or Area must be of the Extent of at the least Three Quarters of a Square.

#### 2.—*Height of Rooms.*

Every Room hereafter constructed in any Building, except Rooms in the Roof thereof, must be in every Part at the least Seven Feet in Height from the Floor to the Ceiling.

Every Room hereafter constructed in the Roof of any Building must be at the least Seven Feet in Height from the Floor to the Ceiling throughout at the least One Half the Area of such Room.

#### 3.—*Underground Rooms used as separate Dwellings.*

If any Room, Vault, or Cellar either already or hereafter built, of which the Surface of the Floor is more than Three Feet below the Surface of the Footway of the nearest Street or Alley, be used or be intended to be used as a separate Dwelling, then—

There must be an Area not less than Three Feet wide in every Part from Six Inches below the Floor of such Room, Vault, or Cellar to the Surface or Level of the Ground adjoining to the Front, Back, or external Side thereof, and extending the full Length of such Side.

And such Area to the Extent of at least Five Feet long and Two Feet and Six Inches wide must be in front of the Window of such Room, Vault, or Cellar, and must be open or covered only with open Iron Gratings.

And

And there must be made for every such Room, Vault, or Cellar an open Fireplace, with proper Flue therefrom.

And there must be a Window Opening of at the least Nine Superficial Feet in Area, clear of the Sash Frame, which Window Opening must be fitted with a Frame filled in with glazed Sashes, of which at the least Four and a Half Superficial Feet must be made to open for Ventilation.

And unless such Room, Vault, or Cellar have been built before the First Day of January One thousand eight hundred and forty-five, the Height thereof must not be less than Seven Feet from the Floor to the Ceiling, and such Room, Vault, or Cellar must be properly drained.

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## SCHEDULE (I.)

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### RULES CONCERNING THE SITUATION AND USE OF BUILDINGS WITH REFERENCE TO DANGEROUS, NOXIOUS, AND OFFENSIVE BUSINESSES.

#### 1.—*Dangerous Businesses.*

No Building nor any Addition to any Building may be erected within Fifty Feet from any Building used for the Manufacture of Gunpowder or of detonating Powder, or of Matches ignitable by Friction or otherwise, or other Substances liable to sudden Explosion, Inflammation, or Ignition, or of Vitriol, or of Turpentine, or of Naphtha, or of Varnish, or of painted Table Covers, or any other Manufacture, Trade, or Business dangerous on account of the Liability of the Materials or the Substances employed or manufactured therein to cause sudden Fire or Explosion.

But if any Building built before the First Day of January One thousand eight hundred and forty-five within Fifty Feet from any Building so used be hereafter pulled down, burnt, or destroyed by Tempest, such Building may be rebuilt.

No Building may be built within Forty Feet from any public Way, or within Fifty Feet from any other Building, or from any Ground not in the same Occupation, for the Purpose of any such dangerous Business, nor may any Building within such Distance be enlarged or altered for the Purpose of any such dangerous Business, nor may any Building, Vault, or vacant Ground within such Distance be converted or used for the Purpose of any such dangerous Business.

But any such dangerous Business carried on in any such Situation before the First Day of January One thousand eight hundred and forty-five may be continued until the First Day of January One thousand eight hundred and sixty-five, and no longer.

#### 2.—*Noxious and offensive Businesses.*

No Dwelling House nor any Public Building may be erected within Fifty Feet from any Building used for the Business of Blood-boiler, Bone-boiler, Fellmonger, Slaughterer of Cattle, Sheep, Swine, or Horses, Soap-boiler, Tallow-melter, Tripe-boiler, or any other Business noxious or offensive.

But if any Dwelling House or Public Building built before the First Day of January One thousand eight hundred and forty-five within Fifty Feet from any Building so used be hereafter pulled down, burnt, or destroyed by Tempest, such Dwelling House or Public Building may be rebuilt.

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No Building may be built within Forty Feet from any public Way, nor within Fifty Feet from any Dwelling House or public Building, for the Purpose of any such noxious or offensive Business; nor may any Building within such Distance be enlarged or altered for the Purpose of any such noxious or offensive Business; nor may any Building, Vault, or open Ground within such Distance be converted or used for the Purpose of any such noxious or offensive Business.

But any such noxious or offensive Business carried on in any such Situation before the First Day of January One thousand eight hundred and forty-five, may be continued until the First Day of January One thousand eight hundred and seventy-five, and no longer.

### SCHEDULE (K.)

#### RULES CONCERNING THE SAFE CONSTRUCTION AND MAINTENANCE OF BUILDINGS.

Every Building, and every Part and Appendage of every Building, must be built, constructed, made, or fixed in a safe and secure Manner, so that the same do not become dangerous to the Inmates of such Building, or to the Lives or Property of any Persons not having Control over such Building.

Every Building, and every Part or Appendage of every Building, must be kept and maintained in a safe and secure Condition, so that the same do not become dangerous to the Inmates of such Building, or to the Lives or Property of any Person not having Control over such Building.

### SCHEDULE (L.)

#### RULES FOR THE EXEMPTION OF CERTAIN BUILDINGS FROM THE RULES OR SOME OF THE RULES OF THIS ACT, AND THE CONDITIONS OF SUCH EXEMPTION.

##### 1.—*Buildings belonging to Her Majesty, and to sundry public Bodies and Companies.*

The following Buildings; that is to say,—

Her Majesty's Royal Palaces, and Buildings in the Possession of Her Majesty, Her Heirs and Successors, or employed for Her Majesty's Use or Service;

And Common Gaols, Prisons, Houses of Correction, and Places of Confinement under the Inspection of the Inspectors of Prisons, and also Bethlem Hospital and the House of Occupations adjoining;

And the Mansion House, Guildhall, and Royal Exchange of the City of London;

And the Offices and Buildings of the Governor and Company of the Bank of England already erected, and which now form the Edifice called "The Bank of England," and any Offices and Buildings hereafter to be erected for the Use of the said Governor and Company either on the Site of or in addition to and in connexion with the said Edifice;

And the Buildings of the British Museum already erected or to be erected for the like Purposes;

And the Erections and Buildings authorized by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, for the Purposes of a Market in Covent Garden;

And

And the Warehouses of and belonging to the Saint Katherine Dock Company, commonly called the New Street and Cutler Street Warehouses and the Haydon Square Warehouses, purchased by the said Company from the East India Company;

And the Warehouses of or belonging to the Saint Katherine Dock Company, and situate in the Parish of Saint Botolph without Aldgate, and in the Precinct of Saint Katherine near the Tower of London, in the County of Middlesex;

And the Warehouses and Buildings of or belonging to the London Dock Company, comprehended within the Wall of the said Company as set forth in an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth;

And the several Warehouses and Buildings of or belonging to the East and West India Dock Company established by an Act, made, in the First Year of the Reign of Her present Majesty;

And the Buildings erected or to be erected by any Railway Company, within and in connexion with the Works of their Railway, under the Authority of any Act heretofore passed, and which have been exempted from the Operation of the Act passed in the Seventh and Eighth Years of Her present Majesty for regulating the Construction and Use of Buildings in the Metropolis and its Neighbourhood.

And all Buildings exempted by any Act of Parliament from the Operation of the Act passed in the Fourteenth Year of the Reign of His late Majesty King George the Third, and repealed by the Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty for regulating the Construction and Use of Buildings in the Metropolis and its Neighbourhood;

Are to be subject to the Rules of this Act only so far as such Buildings, or any Operation thereon, may affect any public Way, or the Premises of any adjoining or other Owner.

But no Building used or intended to be used as a Dwelling House shall be deemed to be included in the foregoing List of Buildings.

### *2.—Insulated Buildings.*

If any Building not being a public Building, or used or intended to be used as such, be wholly in One Occupation, and be distant at least Eight Feet from the nearest Street or Alley, and at the least Thirty Feet from any other Building, and from Ground not, or not intended to continue, in the same Occupation therewith, then such Building is to be subject to the Rules and Directions of this Act only in respect of the Roof Coverings and the Chimneys and Flues thereof, and in respect of dangerous, noxious, and offensive Businesses.

If any Projection from any Face Wall of any such insulated Building be distant at least Eight Feet from any public Way, and Twenty Feet from any Building not in the same Occupation, such Projection is not to be subject to any of the Rules and Directions of this Act.

### *3.—Toll Houses.*

If any Building be built for the Purpose of Trade or the Collection of Toll, and do not cover more than a Square and Half a Square in Area, and if the Height of the highest Point of the Roof thereof do not exceed Twelve Feet above the Ground, and if such Building be distant Fifteen Feet at the least from any other Building, then such Building is not to be subject to the Rules of this Act with regard to external Walls.

### *4.—Small Office Buildings.*

If any Washhouse, Privy, or other detached Building built as an Office to a Dwelling House consist of One Story only, and do not exceed Eight Feet in Height or Half a Square

Square in Area, and be detached from any other Building, and from Ground not in the same Occupation to an Extent equal at least to its own Height from the Ground, it is not to be subject to the Rules of this Act with regard to the Materials and Construction of external Walls, but in every other respect such Building must be built in conformity with the Rules of this Act.

And if any Building be not more than Ten Feet in Height, and do not contain more than Three Fourths of a Square, and have not any Fireplace, Flue, or Stove therein, such Building is to be subject to the Rules of this Act only in respect of the Separation thereof by a proper Party Wall or external Wall from any adjoining Building or Ground not in the same Occupation therewith, and also in respect of its Roof Coverings.

#### 5.—*Greenhouses, &c.*

Greenhouses, Conservatories, Vineries, Aviaries, and such like Buildings, so far as respects their being inclosed with Glass or Metal, with such Wood Framing only as shall be necessary for such Glass or Metal, are not to be subject to the Rules of this Act concerning external Walls.

#### 6.—*Sheds.*

Sheds containing One Story only, and having any Side or Sides standing at a Distance from any opposite Ground or Building not in the same Occupation therewith, not less than the Height from the Ground to the Eaves of the Roof on such Sides or Side, and which Sides or Side shall be wholly uninclosed, excepting only such Posts as shall be necessary to support the Plate under the Roof, are not in respect of such uninclosed Sides to be subject to the Rules of this Act concerning external Walls.

#### 7.—*Temporary Buildings.*

If it be desired to erect any Building for temporary Purposes only, and if by special Certificate in that Behalf the District Surveyor shall certify that the same may be safely permitted for a Time to be limited in any such Certificate, then until the Expiration of such Time such Building is not to be subject to such of the Rules of this Act as shall be specified in such Certificate.

#### 8.—*Tanners, Curriers, and Leather Dressers Sheds.*

Sheds over Tan-pits, and Tanners, Curriers, and Leather Dressers Drying Sheds, used only for the Purpose of covering Tan-pits, or of drying wet Goods by cold Air or the natural Atmosphere, and containing no Fireplace nor Flue, and no Steam Pipe, Hot-air Pipe, Smoke Pipe, Stove, Furnace, nor any other Apparatus whatever for creating or conducting Heat, and which shall be situate without the Cities of London and Westminster, and the Liberties thereof;

And which shall be at the least Six Feet distant from every public Way, or else shall have every Part lying within such Distance of Six Feet inclosed by proper Brick or Stone external Walls of the full Thickness required for Buildings of the Rate to which such Shed shall belong;

And which shall be at the least Ten Feet distant from all Ground; not in the same Occupation, or shall be at the least Six Feet distant from such Ground, and separated therefrom by Brick or Stone Fence or Party Fence Walls at the least Eight and a Half Inches thick and Eight Feet high from the Level of the Ground, or shall if less than Six Feet distant

distant from such Ground be separated therefrom by Party Walls or by external Walls without any Opening therein, and built in conformity with all the Rules of this Act, and extending and raised at the least Eighteen Inches wider on each Side than such Shed, and Eighteen Inches higher than any Gutter or Roof abutting thereon;

And which shall be distant at the least Ten Feet from any Building in other Occupation, and also from every Building in which Fires are used in the same Occupation, or shall be separated therefrom respectively by Party Walls or external Walls without any Opening therein, and built in conformity with all the Rules of this Act;

May be built with external Walls or Inclosures (except as before mentioned) of any Materials and of any Thickness whatever, so that such Inclosures be not at any Time coated or covered with Pitch, Tar, or other inflammable Material, and do not exceed the Height of Thirty Feet from the Level of the Ground to the Top thereof.

And if any such Shed be further distant from every public Way, and from all Ground not in the same Occupation, and from every other Building, Two Feet more than the several Distances herein-before mentioned respectively, such external Walls or Inclosures may be built to the Height of Forty Feet from the Level of the Ground to the Top thereof.

And if the First or Ground Story of any such Shed be inclosed by Brick or Stone Walls of the full Thickness required for Buildings of the Rate to which such Shed shall belong, then such First or Ground Story may be used as a Warehouse for the Purposes of the Trades aforesaid.

But in no Case is any such Shed to be exempt from the Rules of this Act concerning the Division of Buildings containing more than 200,000 Cubic Feet, or from any of the Rules concerning Roof Coverings or other Rules, except those relating to external Walls.

#### 9.—*Foundries, Carriers Sheds, Gas Retort Houses, and certain other Buildings.*

The following Buildings; that is to say,—

(First) Buildings used exclusively for the storing, working, or manufacturing of Iron, Brass, Lead, Stone, or other incombustible Materials, and containing One Story only, besides any Brick or Stone vaulted Cellars, and having no Timber Floor, and no Ceiling in or under the Roof thereof;

(Secondly) Sheds or covered Places used for unloading, transferring, and reloading Goods in course of Transit, and not for the storing or warehousing of Goods;

(Thirdly) Buildings used as Retort Houses for the Process of producing Gas from Coal, and for the storing of Coal to be used in such Process, and not exceeding Forty Feet in Height, and not containing more than Two Stories, and distant at the least by a Space equal to One Third of the Height thereof from any Ground not in the same Occupation, and separated from any other Building or from any public Way within the Distance of Eight Feet therefrom by a proper Party Wall or external Wall without any Openings therein, and built as to the Floors, Roofs, Stairs, and Partitions thereof wholly of incombustible Materials (except as to any End Grain Wood Pavement laid upon the Ground, or upon such Fire-proof Floor);

Are not to be subject to the Rules of this Act concerning the Division of Buildings containing more than 200,000 Cubic Feet; but every such Building so built or enlarged must have such external Walls and Party Walls, and such internal Divisions, and must be so arranged and constructed in every respect, as by special Certificate in that Behalf the District Surveyor shall certify to be proper and sufficient under the Circumstances of the Case, and of the Locality and Neighbourhood thereof.

*10.—Gasworks.*

Public Gasworks heretofore established, and any such Extension thereof or additional Works or other Works as are by any Act of Parliament now in force relating to Gas Companies authorized to be erected or substituted, are not to be subject to the Rules of this Act concerning the Situation and Use of Buildings with reference to dangerous, noxious, and offensive Businesses.

*11.—Distilleries.*

Premises used for the Purpose of the Distillation or Rectification of Spirits under the Survey of the Commissioners of Inland Revenue are not on account of such Use to be subject to the Rules of this Act concerning the Situation and Use of Buildings in reference to dangerous, noxious, and offensive Businesses.

*12.—Bridges, Embankment Walls, &c.*

Piers, Bridges, Jetties, Embankment Walls, Retaining Walls, and Wharf or Quay Walls are to be subject to the Rules of this Act only so far as such Buildings or Structures, or any Operation thereon, may affect any public Way, or the Premises of any adjoining or other Owner.

*13.—Buildings commenced before the passing of this Act.*

Buildings of which the Inclosing Walls have been commenced and carried up higher than the Footings thereof before this Act shall come into operation, and in conformity with the Rules and Directions contained in the Act of the Seventh and Eighth Years of Her present Majesty hereby repealed, are not to be subject to such of the Rules of this Act as by special Certificate in that Behalf the District Surveyor shall certify to be inapplicable to such Building in its then State, but every such Building must be built in conformity with the Rules and Directions contained in the said Act hereby repealed, as if such Rules and Directions were herein contained.

*14.—Continuance of Exemptions.*

If any Condition or Circumstance in respect of which a Building or other Subject Matter within the Operation of this Act is privileged or exempted from any of the Rules of this Act cease to exist, such Building or other Subject Matter must be made conformable to such Rules as if such Building or other Subject Matter had not been so privileged or exempted.

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SCHE-

SCHEDULE (M.)

CONCERNING FEES TO BE PAID TO THE DISTRICT SURVEYORS.

1.—Fees for the Supervision of Buildings and Works.

For the SUPERVISION of BUILDINGS and WORKS by any DISTRICT SURVEYOR in pursuance of this Act, the following FEES are to be paid ; that is to say,	Extra First Rate.	First Rate.	Second Rate.	Third Rate.	Fourth Rate.	
					Having more than Two Stories.	Not having more than Two Stories.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Where any Building (not being a Building herein-after provided for) is erected on new or old Foundations, according to the Rate of such Building - - - - -	5 5 0	3 10 0	3 3 0	2 10 0	2 2 0	1 10 0
Where any Office Building distinctly rated, whether attached to or detached from the Building to which it belongs, is erected and not covered in within Thirty-one Days after the Building to which it belongs shall have been covered in, according to the Rate of such Office Building - - - - -	2 10 0	1 15 0	1 10 0	1 5 0	0 15 0	0 10 0
Where any Building is enlarged or raised, or any Two Buildings united, according to the Rate thereof, when so enlarged, raised, or united, a Fee not exceeding - - - - -	2 10 0	1 15 0	1 10 0	1 5 0	0 15 0	0 10 0
Where any Building is altered, or where any Work subject to any of the Rules of this Act is executed in any Building, according to the Rate of such Building, a Fee not exceeding - - - - -	2 10 0	1 15 0	1 10 0	1 5 0	0 15 0	0 10 0
Where any insulated Building, or Building built for the Purposes of Trade or Collection of Toll, not subject to all the Rules of this Act, is erected, according to the Rate of such Building, a Fee not exceeding - - - - -	2 0 0	1 10 0	1 5 0	1 0 0	0 15 0	0 10 0
Where any Chimney Shaft for the Boiler Furnace of any Steam Engine, Brewery, Distillery, or Manufactory, or other Furnace, or any similar Shaft for Purposes of Ventilation or other Purposes, is built, in addition to the Fee for any other Operation which may be in progress at the same Time - - - - -	If the Height above the Base of the Footing be not less than 80 Feet.		If the Height above the Base of the Footing be between 40 and 80 Feet.		If the Height above the Base of the Footing be not more than 40 Feet.	
	£ s. d.		£ s. d.		£ s. d.	
	2 0 0		1 10 0		1 0 0	
Where any Party Fence Wall is required by any Owner to be built under the Supervision of the District Surveyor.	10s. for every 100 Feet or fractional Part of 100 Feet in the Length thereof.					



## 2.—Fees for special Services.

For the following SPECIAL SERVICES performed by any DISTRICT SURVEYOR in pursuance of the Provisions of this Act, the following Fees are to be paid; that is to say,	Extra First Rate.	First Rate.	Second Rate.	Third Rate.	Fourth Rate.	
					Having more than Two Stories.	Not having more than Two Stories.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For surveying and certifying as to any Party Structure, in the Case of any Reference under this Act, according to the Rate of the Building adjoining thereto, which may be of the higher Rate, a Fee not exceeding -	5 5 0	3 10 0	3 3 0	2 10 0	2 2 0	1 10 0
For surveying and certifying to the Lord Mayor, or to the Surveyor of Pavements, or to the Overseers of the Poor, as the Case may be, as to any dangerous Building, or Part of any Building which shall require to be shored, hoarded in, or otherwise secured, a Fee not exceeding -	2 10 0	2 0 0	1 10 0	1 5 0	1 0 0	0 15 0
For surveying the Removal of any irregular or dangerous Building or Part thereof, or of any dangerous, noxious, or offensive Business, where such Service shall not be performed incidentally to any Building Operation in respect of which any other Fee shall become payable, a Fee not exceeding -	2 10 0	2 0 0	1 10 0	1 5 0	1 0 0	0 15 0
For attending at any Hearing or Survey in the Matter of any Reference under this Act - - -					Such Fees in addition to the Costs as shall be awarded in each Case.	
For making any special Certificate not herein-before provided for -						

## 3.—General Rules.

If any Building contain more than 200,000 Cubic Feet, then for every additional 200,000 Cubic Feet, or fractional Part of 200,000 Cubic Feet, in such Building beyond the first 200,000 Cubic Feet, an additional Fee equal to One Half of the Fee above provided in respect of such Building is to be paid.

If Two or more Building Operations are in progress in the same Building, or in any Building and any attached or detached Office Buildings belonging thereto, at the same Time, for which Operations, if executed separately, separate Fees would be payable, One Fee only, being the highest of such separate Fees, is to be paid, except in so far as it is expressly declared that any of the foregoing Fees are to be paid in addition to any other Fee.

Wherever any Fee, not exceeding a certain Amount, is in this Schedule required to be paid, such Amount is to be paid, if charged by the District Surveyor, unless, by a special Order in that Behalf, the Court of Metropolitan Buildings shall adjudge that any less Amount is proper in the particular Case.



# **Metropolis Buildings.**

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A

## **B I L L**

TO

**Amend the Act for regulating the Construction  
and the Use of Buildings in the Metropolis  
and its Neighbourhood.**

*(Prepared and brought in by  
Lord Seymour and Sir George Grey.)*

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*Ordered, by The House of Commons, to be Printed,  
20 February 1851.*

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69..

*Under 13 oz.*

# Metropolis Buildings Bill.

## SUMMARY OF CLAUSES.

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Preamble ; Statutes repealed ; Commencement of Act ; Sect. 1.  
Construction of Terms ; 2.  
Local Limits of Act ; 3.

### *Regulation of Buildings, &c.*

Buildings to be rated ; Buildings and Works to conform to Rules ; 4.  
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### *Court of Metropolitan Buildings. Officers, &c.*

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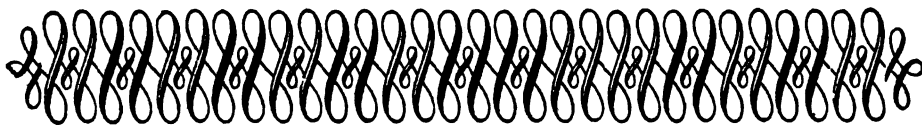
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A

# B I L L

TO

Amend the Act for regulating the Construction  
and the Use of Buildings in the Metropolis  
and its Neighbourhood.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS the Provisions of a certain Act of the Seventh Preamble.  
and Eighth Years of the Reign of Her present Majesty,  
Chapter Eighty-four, intituled “An Act for regulating 7 & 8 Vict.  
“ the Construction and Use of Buildings in the Metropolis and its c. 84.  
5 “ Neighbourhood,” and of a certain other Act of the Ninth Year of  
the Reign of Her present Majesty, Chapter Five, intituled “An Act 9 & 10 Vict.  
“ to amend an Act for regulating the Construction and the Use of c. 5.  
“ Buildings in the Metropolis and its Neighbourhood,” have been  
found insufficient for the Objects for which they were designed, and  
10 it is expedient to repeal the said Acts, and to make other Provisions  
in lieu thereof, for more effectually securing the proper Construction  
of Buildings, in reference to the Stability thereof, and to the Security  
thereof against Fire originating either therein or in Buildings or Pre-  
mises adjoining thereto or in the Vicinity thereof, and in reference to  
15 the public Safety, and also to provide other and more effectual  
Means for administering the Law relating to Metropolitan Buildings,  
and for the Determination of Questions and Disputes respecting the  
Construction and Uses of Buildings, the Right to Easements, and  
584. other



Statutes  
repealed.

other Matters of like Nature: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on and from the both the said Acts shall be 5  
and the same are hereby repealed: Provided, that nothing in this Act contained shall prevent or in any way affect the taking or prosecuting of any Proceedings by the said Acts or either of them authorized in respect of any Matter or Thing done contrary to the said Acts or either of them on or before the said 10  
or the Recovery or Estreatment of any Penalty incurred or Recognizance entered into under the said Acts or either of them, or the Recovery of any Fees or other Sum or Sums of Money due or recoverable under the Provisions of the said Acts or either of them; and that on the said this Act shall 15  
come into operation: Provided also, that so much of the Act of the Fourteenth Year of King George the Third, Chapter Seventy-eight, as was left unrepealed by and excepted from the Operation of the recited Act of the Seventh and Eighth Years of Her present Majesty, Chapter Eighty-four, that is to say, the Sections numbered 20  
respectively Seventy-four, Seventy-five, Seventy-six, Seventy-seven, Seventy-eight, Eighty, Eighty-one, Eighty-two, Eighty-three, Eighty-four, Eighty-five, Eighty-six, in the said Act of the Fourteenth Year of George the Third, Chapter Seventy-eight, shall continue in full Force and Effect, notwithstanding anything in this Act contained. 25

And for declaring the Sense and Construction of certain Terms and Expressions used in this Act, and the Schedules thereto annexed,  
Construction of Terms. II. The following Words and Expressions used herein are intended to have the Meanings and Applications hereby assigned to them respectively, so far as such Meanings or Applications are not ex- 30  
cluded by the Context or by the Nature of the Subject Matter; that is to say,

"Building:" The Word "Building" shall apply to and include all Buildings and Erections whatsoever, whether now built or hereafter to be built, and of whatever Materials constructed, and whether fixed 35  
on permanent Foundations or not, and for whatever Purpose the same may be used or intended to be used, to which any of the Provisions, Rules, or Directions of this Act may be applicable, but shall not include Bridges, Piers, Jetties, Embankment Walls, Retaining Walls, Wharf or Quay Walls:

"Public Building:" The Words "Public Building" shall apply to and include every 40  
Building occupied or used or intended to be occupied or used either wholly or in part as a Church, Chapel, or other Place of public Worship, College, Hall, Hospital, Theatre, public Concert

cert Room, public Ball Room, public Lecture Room, public Exhibition Room, and also to every Building which shall contain any Room exceeding Sixteen Squares in Area which shall be used or intended to be used, permanently or temporarily, as a Room for the Assemblage of Persons in large Numbers for any Purpose whatsoever :

The Words "Private Building" shall apply to and include every Building not being a Public Building as aforesaid : "Private Building:"

The Word "Premises" shall apply to any Messuage, Building, Ground, Land, Tenement, or corporeal Hereditament whatsoever : "Premises:"

The Word "irregular" shall mean contrary to any of the Provisions, Rules, and Directions of this Act, or the Schedules annexed thereto : "Irregular:"

The Word "Irregularity" shall apply to and mean any Work or Operation contrary to any of the Provisions, Rules, and Directions of this Act, or the Schedules annexed thereto : "Irregularity:"

The Word "Party Wall" shall apply to every Wall used, or built in order to be used, as a Separation of any Building from any other Building with a view to the same being occupied by different Persons, and also to any Wall of a Building which shall stand upon Ground not wholly belonging to the same Owner, or not wholly in the same Occupation to a greater Extent than the Projection of its Footing on One Side : "Party Wall:"

The Words "External Wall" shall apply to every outer Wall or vertical Inclosure of any Building not being a Party Wall : "External Wall:"

The Words "Party Structure" shall apply to and include Party Walls, and also Partitions, Arches, Floors, and other Structures separating Buildings, Stories, or Rooms which shall belong to different Owners, or which shall be approached by distinct Staircases or separate Entrances from without : "Party Structure:"

The Word "Street" shall include every Street, Square, Circus, Crescent, Road, Place, Row, Mews, Lane, or other Place along which Carriages can pass or are intended to pass, whether such Place be or be not under the Jurisdiction of any Commissioners of Pavements or other local or public Authority, and whether there be or be not any Footway in addition to the Carriageway : "Street:"

The Word "Alley" shall include every Alley, Court, Passage, or other Place, not being an Arcade enclosed with Gates at each End, which can be used as a Footway only, whether such Place be or be not under the Jurisdiction of any Commissioners of Pavements or other local or public Authority : "Alley:"

The Word "Owner" shall apply to every Person having legal Possession of any Premises, otherwise than as a Tenant from Year to Year or for any less Term, or as a Tenant at Will, or if the

- the Premises be in the Occupation of a Tenant from Year to Year or for a less Term, or of a Tenant at Will, then to any Person entitled to the immediate Reversion of such Premises :
- "Occupier :"** The Word "Occupier" shall apply to any Person (other than an Owner as above defined) in the Occupation of any Premises : 5
- "Builder :"** The Word "Builder" shall apply to and include the Master Builder or other Person employed to execute or who shall actually execute any Work or Operation upon any Building, and also the Owner, Occupier, or other Person by whose Order or for whom such Work or Operation is done or to be done : 10
- "Commissioners of the Treasury :"** The Words "the Commissioners of the Treasury" shall mean the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of Great Britain and Ireland for the Time being :
- "Commissioners of Works and Buildings :"** The Words "the Commissioners of Works and Buildings" shall mean the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings : 15
- "Lord Mayor and Aldermen :"** The Words "the Lord Mayor and Aldermen of the City of London" shall extend to the Court of Mayor and Aldermen to be holden in the outer Chamber of the Guildhall according to the Custom of the said City : 20
- "Justice of the Peace :"** The Words "Justice of the Peace" shall mean a Justice of the Peace for the County, Division, or Liberty within which the Building or other Subject Matter, or any Part thereof, is situate, unless it be situate within the City of London or the Liberties thereof, in which Case any Matter or Thing elsewhere required 25 or authorized to be done either by One or by Two or more Justices of the Peace may be done either by the Lord Mayor of the City of London or by any One, Two, or more Justices of the Peace for the said City, or unless the Subject Matter be situate within the District of any Police Court of the Metropolis, 30 in which Case any Matter or Thing otherwise required or authorized to be done by One, Two, or more Justices may be done by One Police Magistrate :
- Names of Officers having local Jurisdiction :** And generally whensoever the Name of an Officer having local Jurisdiction in respect of his Office is referred to, without Men- 35 tion of any Locality, such Reference shall apply to the Officer having Jurisdiction in that Locality within which is situate the Building or other Subject Matter, or any Part thereof, to which such Reference applies :
- "Parish :"** The Word "Parish" shall include all parochial Districts and 40 extra-parochial Places in which separate Churchwardens, Overseers, or Constables are appointed, and where Two Parishes have been united for ecclesiastical Purposes then it shall include such united Parishes :
- "Month :"** The Word "Month" shall mean a Calendar Month : 45

And,

And, subject as aforesaid to the Context, and to the Nature of the Subject Matter, Words importing the Singular Number shall include the Plural, and Words importing the Plural shall include the Singular, and Words importing the Masculine Gender shall include Females, and Words importing an Individual shall include Corporations, Companies, or Partnerships, and any other Bodies of Persons.

Singular and Plural :

Masculine and Feminine :  
Individual and Bodies of Persons.

And for declaring and defining the local Limits of this Act, be it enacted,

10 III. That the Operation of this Act shall extend to all Places within the following Limits ; (that is to say), Local Limits of Act.

To the following Parishes, Parts, and Places lying or situate upon the North Side (or Left Bank) of the River Thames ; namely, the Parishes of Fulham, Hammersmith, Kensington, Paddington, 15 Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford-le-Bow, Bromley, and Poplar, and all the Space, Parishes, Parts, and Places which lie or are situate between any Part of the said Parishes and the said River :

And also such Part of the Parish of Chelsea as lies North of the said Parish of Kensington :

And the following Parishes, Parts, and Places lying or situate upon the South Side (or Right Bank) of the River Thames ; namely, the Parishes of Woolwich, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, Streatham, Tooting, and 25 Wandsworth, and all the Space, Parishes, Parts, and Places which lie or are situate between any Part of the Parishes last aforesaid and the said River :

And also all Parts and Places which lie or are situate within Two hundred Yards from the exterior Boundary of the Limits above 30 defined, except the Eastern Part of the said Boundary which is formed by the River Lea.

And for regulating the Construction, Use, and Maintenance of Buildings, Streets, and Alleys within the local Limits of this Act, be it enacted, Regulation of Buildings, &c.

35 IV. That for the Purposes of this Act every Building shall be assigned to and shall belong to One of the several Rates specified in Schedule (A.) to this Act annexed, according to the Rules and Directions in such Schedule contained for ascertaining the Rates of Buildings :

Buildings to be rated.

40 And every Building and every Part thereof, and every Street and Alley, to which any of the Rules and Directions of this Act shall be applicable shall be built and rebuilt, and every Addition, Alteration, or other Work or Operation whatsoever in or upon any such Building shall be executed of the Materials and in the Manner specified in, 45 and in every other respect in conformity with, the several Rules and

Buildings and Works to conform to Rules.

Directions contained in the several Schedules (B.), (C.), (D.), (E.), (F.), (G.), (H.), (I.), and (K.), to this Act annexed, according to the Rate to which such Building shall belong :

And every such Building, Street, and Alley shall be used, occupied, maintained, and upheld according to the several Rules and Directions in such Schedules contained. 5

Certain Buildings to be exempt from the Rules or some of them.

V. Provided always, That the several privileged Buildings mentioned in Schedule (K.) to this Act annexed shall be subject, so long as the same shall be used for the respective Purposes and remain of the respective Characters in the said Schedule mentioned, to the Rules and Directions of this Act only to the Extent set forth in the said Schedule with regard to the same respectively. 10

Buildings commenced before the passing of this Act.

VI. Provided also, that Buildings of which the enclosing Walls have been commenced and carried up higher than the Footings thereof before the Commencement of this Act, and in conformity with the Rules and Directions of the Act of the Seventh and Eighth Years of Her present Majesty, hereby repealed, shall not be subject to such of the Rules of this Act as by Special Certificate in that behalf the District Surveyor shall certify to be, inapplicable to such Building in its then State, but in lieu thereof every such Building must be built in conformity with the Rules and Directions of the said Act hereby repealed, as if such Rules and Directions were herein contained. 15 20

Court of Metropolitan Buildings to be constituted and Judge appointed.

VII. And for the Purpose of constituting a Court for the Adjudication of Questions and Disputes arising under this Act, and for executing and enforcing the Provisions of the same, be it enacted, That Her Majesty's Principal Secretary of State for the Home Department shall appoint a competent Person, being a Barrister of not less than *Seven* Years standing, to be and who shall be called the Judge of the Court of Metropolitan Buildings under this Act ; and the said Secretary of State is hereby empowered to remove any such Judge for Inability or Misbehaviour, and from Time to Time, in case of such Removal, or of the Death or Resignation of any such Judge, to appoint another Person, being a Barrister of not less than *Seven* Years standing, to such Office. 25 30 35

Powers to appoint Deputy Judge.

VIII. It shall be lawful for the said Secretary of State, from Time to Time, in case of the Illness or unavoidable Absence of the Judge, to appoint some other Person who shall be a Barrister of not less than *Seven* Years standing to act as the Deputy of such Judge ; and it shall also be lawful for the Judge, with the Approval of the said Secretary of State, to appoint a Deputy, being such Barrister as aforesaid, to act for him, for any Time or Times 40

Times not exceeding in the whole *Two Months* in any consecutive Period of *Twelve Months*; and in each of the Cases aforesaid the Deputy so appointed, during the Time for which he shall be so appointed, shall have all the Powers and Privileges and perform all  
 5 the Duties of the Judge for whom he shall have been appointed; provided, that the Remuneration to be paid to such Deputy Judge shall be paid out of the Salary of the Judge for the Time being, or otherwise as the Commissioners of Her Majesty's Treasury shall think proper.

- 10 IX. The said Judge shall hold his Court in such Place within the Limits of this Act as the said Commissioners shall appoint and provide for that Purpose; and such Court shall be a Court of Record, and the Sittings of such Court shall take place at such Times and  
 15 Intervals as the said Commissioners shall from Time to Time appoint and declare; and any Sitting of the Court, or any Proceedings therein, may be continued from Time to Time by Adjournment, at the Discretion of the Judge.

Court of Metropolitan Buildings to be a Court of Record.

Courts, where and how to be held.

- X. If any Person shall wilfully insult the Judge or any Clerk or Officer of the said Court for the Time being during his Sitting or  
 20 Attendance in Court, or in going to or returning from the Court, or shall wilfully interrupt the Proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the Assistance of any other Person, by the Order of the Judge, to take such Offender into Custody, and  
 25 detain him until the rising of the Court; and the Judge shall be empowered, if he shall think fit, by a Warrant under his Hand, and sealed with the Seal of the Court, to commit any such Offender to the Common Goal or House of Correction for any Time not exceeding *Seven Days*, or to impose upon any such Offender a Fine not  
 30 exceeding *Five Pounds* for every such Offence, and in default of Payment thereof to commit the Offender to any such Prison as aforesaid for any Time not exceeding *Seven Days*, unless the said Fine be sooner paid.

Power to commit for Contempt.

- XI. The said Commissioners shall cause a Seal to be made, which  
 35 shall be the Seal of the Court of Metropolitan Buildings, and all Summonses and other Process issuing out of the said Court, and all Copies of Orders, Judgments, or Certificates of the said Court, which shall be issued by the Clerk of the Court, shall be sealed or stamped with such Seal, and every Summons, Warrant, Order, Judgment,  
 40 Certificate, or other Document purporting to be so sealed or stamped shall be deemed and taken to have been made and issued by the Authority of the said Court, without further Evidence of the Validity thereof; provided, that any Person who shall forge the Seal or any  
 534. Process

Court to have a Seal.

Process of the Court, or who shall serve or enforce any such forged Process or other Document, knowing the same to be forged, or who shall act or profess to act under any false Colour or Pretence of the Process of the said Court, shall be guilty of Felony.

Clerk of  
Metropoli-  
tan Build-  
ings Court  
to be ap-  
pointed.

XII. It shall be lawful for the said Secretary of State to appoint 5  
a fit and proper Person to be the Clerk of the said Court, and in case  
of Inability or Misbehaviour to remove the said Clerk, and upon such  
Removal, or upon the Death or Resignation of any Clerk, to appoint  
another fit and proper Person in his Stead.

Deputy  
Clerk may  
be appointed  
on Emer-  
gencies.

XIII. If such Clerk shall be at any Time prevented by Illness or 10  
unavoidable Absence from performing the Duties of his Office, it shall  
be lawful for the said Secretary of State to appoint a Deputy to  
act for such Clerk; and such Deputy, while acting under such Ap-  
pointment, shall have the like Powers and Privileges, and be subject to  
the like Provisions, Regulations, and Duties, as if he were the Clerk 15  
of the said Court for the Time being; and the Remuneration to be  
paid to the said Deputy Clerk shall be paid to him out of the Salary  
of the Clerk for the Time being, or otherwise as the Commissioners  
of Her Majesty's Treasury shall determine.

Duties of  
Clerk.

XIV. It shall be the Duty of the Clerk to attend at every Sitting 20  
of the Court of Metropolitan Buildings, and to issue all Summonses,  
Warrants, Precepts, and Orders thereof, to tax the Costs of any Pro-  
ceedings therein which any Party may be liable to pay pursuant to  
the Order of the Court, and also to keep a Minute Book in which he  
shall cause to be entered regular Minutes of the Proceedings of the 25  
Court, and also of all Summonses, Orders, Certificates, and other  
Instruments issued, and of all Fines and Penalties imposed under the  
Powers of this Act; and also to register at the Office of Metropo-  
litan Buildings, all Instruments and Documents by this Act required  
to be registered; and all Entries in the said Minute Book, or any 30  
Copy thereof purporting to bear the Seal of the Court, and to be signed  
and certified as a true Copy by the Clerk, shall at all Times be ad-  
mitted in all Courts and Places whatsoever as Evidence of such  
Entries, and of the Proceedings referred to by such Entries, and of  
the Regularity of such Proceedings, without further Proof. 35

Minute Book  
of Proceed-  
ings to be  
kept, and  
Entries to be  
Evidence.

Bailiff of  
Court to be  
appointed.

XV. It shall be lawful for the said Judge from Time to Time  
to appoint One or more Persons to be the Bailiff or Bailiffs of the  
Court of Metropolitan Buildings, and in case of Inability or Mis-  
behaviour to remove such Bailiff or Bailiffs, and appoint another or  
other Person or Persons to such Office; and it shall be the Duty of 40  
such Bailiff or Bailiffs to serve all the Summonses, Warrants, Orders,  
and other Documents issued out of such Court, and in the Execution  
of

of his or their Offices to conform to all such General Rules as shall be from Time to Time made for regulating the Proceedings of the Court, as herein-after provided, and, subject thereunto, to the Order and Direction of the Judge of the said Court.

5 XVI. The Commissioners of the Treasury shall assign to such Clerk and Bailiff or Bailiffs respectively such Salaries or other Remuneration as to them shall seem proper, and shall likewise be empowered from Time to Time to appoint such and so many other subordinate Officers, Clerks, and Persons as may be found necessary  
10 for transacting the Business to be performed under this Act, and to assign to such Officers, Clerks, and Persons respectively such Wages or Remuneration as the said Commissioners shall think proper; and such Salaries, Wages, and Remuneration shall be paid out of the General Fund hereafter mentioned.

Remuneration to Clerk, Bailiffs, &c.

15 XVII. And whereas the Questions arising in the said Court of Metropolitan Buildings may be in many Cases of a technical Nature, requiring the Skill and Knowledge of a practical Surveyor or Architect, and it is desirable that the said Judge should be assisted by the Advice and Information of a Person professionally conversant with  
20 the Construction of Buildings, and Subjects of a like Nature: Be it therefore enacted, That it shall be lawful for the said Commissioners of Works and Buildings to appoint a fit and proper Person, of the Profession of an Architect or Surveyor, to be and to be called the "Architectural Referee," and from Time to Time, in case of Inability  
25 or Misbehaviour, to remove such Architectural Referee, and upon any Vacancy in the Office of Architectural Referee, occasioned by Death, Resignation, Removal, or otherwise, to appoint some other Person qualified as aforesaid to such Office.

Architectural Referee to be appointed.

XVIII. It shall be the Duty of the Architectural Referee, as often  
30 as he shall be required by the Judge of Metropolitan Buildings so to do, but not otherwise, to sit as Assessor to the said Judge in the Court of Metropolitan Buildings, and to assist the said Judge with Information and Advice upon all Matters pertaining to the Science and Profession of an Architect or Surveyor which may be material to  
35 the Determination of any Question arising in the said Court, and whereupon he shall be consulted by the said Judge, and also, whenever requested by the said Judge so to do, to view or survey any Building, Structure, Work, or Operation respecting which any Question may arise or be likely to arise in the said Court, and to  
40 report thereupon to the Judge, in Writing or otherwise, as the Judge may direct.

Duties of Architectural Referee.



Assistant  
Referee may  
be appointed.

XIX. It shall be lawful for the Commissioners of Works and Buildings, if they shall deem it necessary, from Time to Time, to appoint a competent Person, being of the Profession of an Architect or Surveyor, to be the official Assistant Referee of Metropolitan Buildings under this Act; and in case of Inability or Misbehaviour 5 to remove such Assistant Referee; and in that case, or whenever the Office shall otherwise become vacant, to appoint another Person thereto.

His Duties.

XX. It shall be the Duty of such Assistant Referee to assist the Architectural Referee in the Discharge of the Duties imposed upon 10 him under this Act, and to act under the Authority and according to the Directions of the said Architectural Referee, and also, with the Consent of the Judge and of the Architectural Referee, in case of the Illness or unavoidable Absence of the Architectural Referee, or otherwise, to act as Assistant or Assessor to the Judge upon any Hearing in 15 the Court, or to make any View, Survey, or Report, as he may be directed by the Judge.

Architectural and Assistant Referee to make Declaration.

XXI. Every Architectural Referee and Assistant Referee shall, before entering upon the Duties of his Office, make and subscribe a Declaration, before One of the Commissioners of Works and 20 Buildings, in the Form following; that is to say,

‘ I A. B. do solemnly declare, That I will diligently, impartially, and to the best of my Ability, execute the Duties of Architectural (or Assistant) Referee of Metropolitan Buildings.’

Commissioner, Receiver, Steward, or Agent not to be appointed Architectural Referee or Assistant Referee.

XXII. Provided always, That no Person, being a Commissioner, 25 Receiver, Steward, or Agent for or on behalf of any Owner of Buildings or Land within the local Limits of this Act, shall be qualified to be appointed an Architectural Referee or Assistant Referee under this Act.

Architectural Referee or Assistant Surveyor not to act as Surveyor, Commissioner, Receiver, Steward, or Agent, within the Limits of this Act.

And it shall not be lawful for any Architectural Referee or Assistant 30 Referee to act, either alone or with any Partner, or by an Agent, as a Surveyor, or to become a Commissioner, Receiver, Steward, or Agent as aforesaid; and if any Architectural Referee or Assistant Referee shall so act as a Surveyor, or become a Commissioner, Receiver, Steward, or Agent as aforesaid, then such Architectural Referee or 35 Assistant Referee, as the Case may be, shall ipso facto be disqualified to hold such Office, and such Office shall thereupon become vacant; but no Acts done by any Architectural Referee or Assistant Referee, as such, so far as other Persons are affected thereby, shall be invalidated 40 by reason of such Matter as aforesaid:

Architectural Referee or Assistant

And no Architectural Referee or Assistant Referee shall execute the Duties of their respective Offices with reference to any Building or

or other Matter whatsoever in which they shall, either alone or with any Partner, or by any Agent, be respectively employed as Architects or Surveyors, or in which they or any Partner, or any Person for whom they shall be respectively Commissioners, Receivers, Stewards, or  
 5 Agents, shall be interested.

Referee not to act in case of Works in which they are concerned professionally.

XXIII. If any Doubt, Question, or Difference shall arise between any Persons whomsoever as to whether any Matter or Thing is subject to any of the Provisions, Rules, and Directions of this Act, or as to which of such Provisions, Rules, and Directions any Matter  
 10 or Thing is subject to, or as to the true Intent and Meaning or Effect of this Act in any Case, or whether any Matter or Thing is or has been done contrary to any of the Provisions, Rules, and Directions of this Act, or as to the Legality, Justice, or Propriety of any special Certificate made by any District Surveyor under the Authority of this  
 15 Act, or if any Building Owner or other Person claim to execute any Work or Operation authorized or required by this Act, and the Adjoining Owner or other Person whose Consent thereto may be required shall not have signified in Writing his Consent to such Work or Operation, or if such Adjoining Owner or other Person  
 20 cannot be found, or cannot by reason of legal Disability or other Cause give such Consent, or if it be not known who is the Person having a Right to give such Consent, or if there be any Difference or Dispute touching the Liability to pay any Money, or respecting the Amount or Proportion of any Money which ought to be paid by any Party,  
 25 according to the Provisions of this Act, or as to any Matter whatever, whether including Questions of Law or Questions of Fact, arising under or within the Operation of this Act, then it shall be lawful for either or both of the Parties concerned in any such Doubt, Question, or Difference, or for any such Building Owner or other Person, to  
 30 refer the same to the Court of Metropolitan Buildings, and the said Court shall have power to adjudicate upon and finally to dispose thereof in manner herein-after provided.

Questions of Doubt arising under this Act,

Claims for Authority or Consent to execute Works affecting other Persons,

and other Matters in difference, to be referred to Court of Metropolitan Buildings.

XXIV. The Judge of the Court of Metropolitan Buildings shall be the sole Judge in all Questions and Matters of Difference which shall  
 35 be brought before the said Court, and shall determine the same in a summary way, and shall give his Decision in open Court in the Hearing of the Parties or their Agents, or in the Absence of any Parties, if they or any of them shall have been proved before him to have been duly summoned to attend; and the Decision of such Judge  
 40 so given shall be final and binding between the Parties, subject only to an Appeal upon a Special Case in the Manner herein-after directed; Provided, that whenever the Question to be decided by the said Court shall consist of Matter of Fact, or shall involve the Right to any  
 534. Easement

Mode of proceeding in Court.

Trial may be by Jury in certain Cases.

Easement which under the Provisions of this Act may be tried and determined in the said Court, it shall be lawful for the said Judge, at his Discretion, upon the Application of any of the Parties whose Interests may be directly affected by the Decision of such Question, to order that such Matter of Fact, whether involving the Right to an Easement or otherwise, shall be tried by a Jury, and the same shall be tried accordingly at the next or other subsequent Sitting of the said Court, as the Judge shall direct; and it shall be the Duty of the Clerk of the Court to cause Notice of such intended Trial by a Jury to be given *Seven Days* at least before the Day on which such Trial is to be had, to any of the Parties concerned who shall not have been present in the Court at which the Order for such Trial was made: Provided always, that in case all the Parties whose Interests may be affected by the Decision of any such Question shall agree in desiring the same to be tried by a Jury, it shall be the Duty of the Judge to order accordingly.

Who shall  
be Jurors.

XXV. The High Bailiff of Westminster shall cause to be delivered to the Clerk of the Court a List of Persons qualified and liable to serve as Jurors in the Courts of Assize and Nisi Prius for that City, within *Fourteen Days* from the Receipt of the Jury Book from the Officer by whom the said Book has been made up, each List containing only the Names of Persons residing within the Jurisdiction of the Court, for which List the said High Bailiff shall be entitled to receive out of the General Fund of the Court a Fee after the Rate of *Two-pence* for every Folio of Seventy-two Words; and whenever a Jury shall be required, the Clerk of the Court shall cause so many of the Persons named in the List as shall be needed, in the Opinion of the Judge, to be summoned to attend the Court at a Time and Place to be mentioned in the Summons, and shall administer or cause to be administered to such of them as shall be impannelled to try any Cause or Causes an Oath to give true Verdicts according to the Evidence; and the Persons so summoned shall attend at the Court at the Time mentioned in the Summons, and in default of Attendance shall forfeit such Sum of Money as the Judge shall direct, not being more than *Five Pounds* for each Default; and the Delivery of such Summons to the Person whose Attendance is required on such Jury, or Delivery thereof to his Wife or Servant or any Inmate at his usual Place of Abode, trading, or dealing, shall be deemed good Service: Provided always, that no Person shall be summoned or compelled to serve on such Jury more than Twice within One Year, or who shall have been summoned and shall have attended upon any Jury at the Assizes or any Court of Nisi Prius or at the Central Criminal Court within *Six Calendar Months* next before the Delivery of such Summons.

XXVI. Whenever

XXVI. Whenever there are any Jury Trials, Five Jurymen Members of the Jury. shall be impannelled and sworn, as Occasion shall require, to give their Verdicts in the Cases which shall be brought before them in the said Court, and being once sworn shall not need to be re-sworn  
 5 in each Trial; and any of the Parties concerned in any Matter to be tried shall be entitled to his lawful Challenge against all or any of the said Jurors, in like Manner as he would be entitled in any Superior Court; and the Jurymen so sworn shall be required to give an unanimous Verdict.

10 XXVII. Upon the Application of any District Surveyor, or of any other Person desirous of submitting any Question in which he may Proceedings in Court, how to be commenced. have an Interest to the Decision of the Court of Metropolitan Buildings, the Clerk of the said Court shall enter in a Book to be kept for that Purpose a Note in Writing, stating the Names and last known  
 15 Places of Abode of the several Parties concerned, and the Substance of the Question or Matter in difference to be submitted for Decision; and thereupon a Summons, stating the Names and Places of Abode of such Parties, and the Substance of the Question or Matter in difference, shall be issued under the Seal of the Court, and shall be  
 20 served on the several Parties concerned and named therein, except the Party by whom or on whose Behalf the Application was made, so many Days before the Day on which the Court is to be next holden as shall be directed by the Rules to be made for regulating the Practice of the Court, as herein-after provided, and Delivery of  
 25 such Summons to such Parties personally, or in such other Manner as shall be specified in such Rules of Practice, shall be deemed good Service; and no Misnomer or inaccurate Description of any Person or Place in any Summons or other Document issued by the Authority of the said Court shall vitiate the same, so that the Person or Place  
 30 be therein described so as to be commonly known.

XXVIII. The Commissioners of Works and Buildings shall cause Rules of Practice to be framed for regulating Proceedings. to be drawn up a Table of Rules for regulating the Practice and Proceedings of the said Court, and also Forms to be framed for every Proceeding in the said Court for which they shall think it necessary  
 35 that a Form should be provided, and from Time to Time, whenever it shall be found necessary, shall cause such Rules and Forms to be revised and altered, and the Rules so made and the Forms so framed shall, both in the first instance and as often as any Revision or Alteration thereof shall have been made, be submitted to the  
 40 Approval of any One of the Judges of the Superior Courts at Westminster, who is hereby authorized to allow and sign the same; and the Rules and Forms so allowed and signed shall be observed and used in the said Court, and by all Parties concerned in any Proceedings therein; and in every Case not expressly provided for by the said

Act or by the said Rules, the general Principles of Practice adopted in the Superior Courts of Law at Westminster shall be applied, at the Discretion of the Judge, to the Proceedings in the said Court of Metropolitan Buildings.

Fees on Proceedings to be paid according to Schedule.

XXIX. There shall be payable on every Proceeding in the Court 5 of Metropolitan Buildings such Fees as are set down in the Schedule marked to this Act annexed, or which shall be set down in any Schedule of Fees reduced or altered under the Power herein-after contained for that Purpose, and none other; and a Table of such Fees shall be put up in some conspicuous Place in the Court House 10 and in the Clerk's Office; and the Fees on every Proceeding shall be paid in the first instance to the Clerk of the Court by the Party on whose Behalf such Proceeding is to be had, on or before such Proceeding, and in default thereof Payment shall be enforced by Order of the Judge, by such Ways and Means as any Debt, Costs, or 15 Penalty ordered by the Court to be paid can be recovered under this Act: Provided, that it shall be lawful for the said Commissioners of Works and Buildings, with the Consent of the Commissioners of Her Majesty's Treasury, to lessen the Amount of the Fees to be taken in the said Court in such Manner as to them shall seem fit, and again 20 to increase such Fees, so that the Scale of Fees set forth in the Schedule to this Act be not in any Case exceeded: Provided also, that no District Surveyor shall be liable to the Payment of any Costs or Fees in respect to any Proceedings in the said Court to which he shall become a Party by virtue of his Office, save and except 25 in respect to any Proceedings which may be instituted against any District Surveyor on account of any Misconduct in his Office, or any Receipt or Application of Fees or Monies contrary to the Provisions of this Act.

Proviso as to District Surveyors.

Judge to proceed in Absence of Parties, if summoned.

XXX. The Judge may proceed to the Hearing and Determina- 30 tion of any Question or Proceeding in the Absence of any Party concerned therein, upon Proof being given to his Satisfaction that a Summons was duly served upon such Party.

Parties may appear by Attorney or Counsel.

XXXI. No Person shall be entitled to appear for any other Party to any Proceeding in the said Court, unless he be a Barrister at Law, 35 or an Attorney of One of Her Majesty's Superior Courts of Record, or an Architect or Surveyor acting on behalf of the Party, or, by Leave of the Judge, any other Person allowed by the Judge to appear instead of such Party.

Parties and others may be examined.

XXXII. Upon the Hearing or Trial of any Question or Matter in 40 difference in the said Court, the Parties concerned or interested therein,

therein, their Wives, and all other Persons, may give Evidence upon Oath or solemn Affirmation in those Cases in which Persons are by Law allowed to make Affirmation instead of taking an Oath, to be administered by the Judge or Clerk ; and every Person who in any Examination upon Oath or solemn Affirmation, or in any Affidavit made before the Judge of the Court of Metropolitan Buildings, shall wilfully and corruptly give false Evidence, shall be deemed guilty of Perjury.

XXXIII. Any Person, being a Party concerned in any Question or Matter in difference to be tried or heard in the said Court, may obtain at the Office of the Clerk of the Court Summonses to Witnesses to be served by the Bailiff of the Court, with or without a Clause requiring the Production of Books, Deeds, Papers, and Writings in their Possession or Control ; and in any such Summons any Number of Names may be inserted : Provided, that if any Person so required shall object to produce any Books, Deeds, Papers, or Writings, the Production thereof shall not be enforced, except upon a special Order of the Court.

XXXIV. Every Person on whom any such Summons shall have been served, either personally or in such Manner as shall be directed by the General Rules or Practice of the said Court, and to whom at the same Time Payment or a Tender of Payment of his Expenses shall have been made, on such Scale of Allowance as shall be from Time to Time settled by the General Rules or Practice of the said Court, and who shall refuse or neglect, without sufficient Cause, to appear or to produce any Books, Papers, or Writings required by such Summons to be produced, and also every Person present in Court who shall be required by the Judge to give Evidence, and who shall refuse to be sworn and give Evidence, shall forfeit and pay such Sum not exceeding *Ten Pounds* as the Judge shall impose on him ; and the whole or any Part of such Fine, in the Discretion of the Judge, shall be applicable towards indemnifying the Party injured by such Refusal or Neglect, and the Remainder thereof shall form Part of the General Fund of the Court.

XXXV. All Fees, Costs, Fines, Penalties, and Sums of Money which shall be payable or ordered to be paid by or under any Order of the Court of Metropolitan Buildings, or by virtue of any of the Provisions of this Act, shall be recoverable, in case of default of Payment thereof forthwith, or at the Time or Times and in the Manner by such Order or by this Act directed, by Execution against the Goods and Chattels of the Party against whom such Order shall have been made, or who shall be charged with the Payment thereof ; and the Clerk of the said Court in such Cases shall issue, under the Seal

Seal of the Court, a Writ of Fieri facias as a Warrant of Execution to the Bailiff of the Court, who by such Warrant shall be empowered to levy, or cause to be levied, by Distress and Sale of the Goods and Chattels of such Party, such Sum of Money as shall be so ordered to be paid or payable, wheresoever they may be found within the 5. Limits of this Act, whether within Liberties or without, and also the Costs of the Execution ; and all Constables and other Peace Officers within their several Jurisdictions shall aid in the Execution of every such Warrant.

In default of  
Distress,  
Offenders  
may be  
committed.

XXXVI. If upon the Return of such Warrant it shall appear that 10 no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by Confession of the Offender or otherwise, that he hath not within the Jurisdiction of such Justice sufficient Goods and Chattels whereon to levy all such Penalties, Forfeitures, Costs, and Charges, such Justice may, at his Discretion, 15 without issuing any Warrant of Distress, commit the Offender to the Common Gaol or House of Correction for any Time not exceeding *Three* Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied. 20

What Goods  
may be  
taken in  
Execution.

XXXVII. Every Bailiff or Officer executing any Process of Execution issuing out of the said Court against the Goods and Chattels of any Person may, by virtue thereof, seize and take any of the Goods and Chattels of such Person (excepting the Wearing Apparel and Bedding of such Person or his Family, and the Tools and Implements 25 of his Trade to the Value of *Five Pounds*, which shall to that Extent be protected from such Seizure), and may also seize and take any Money or Bank Notes (whether of the Bank of England or of any other Bank), and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or Securities for Money belonging to any such 30 Person against whom any such Execution shall have issued as aforesaid.

Securities  
seized to be  
held by  
Bailiff.

XXXVIII. The said Bailiff shall hold any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money which shall have been so seized or taken as aforesaid, as a 35 Security or Securities for the Amount directed to be levied by such Execution, or so much thereof as shall not have been otherwise levied or raised, and the Clerk of the said Court may sue in the Name of the Party against whom the Execution was issued, or in the Name of any Person in whose Name such last-mentioned Party might have sued, 40 for the Recovery of the Sum or Sums secured or made payable thereby, when the Time of Payment thereof shall have arrived.

XXXIX. It

XXXIX. It shall be lawful for the Judge to rehear any Case brought before him whenever the Ends of Justice or the Objects of this Act would in his Opinion be promoted by so doing, and from Time to Time to rescind or alter any Order that may have been previously made by him for the Payment of Money or otherwise, in any Manner as may seem to such Judge reasonable and just.

Judge may  
rehear  
Cases and  
rescind or  
alter Orders.

XL. The Judge may in any Case, with the Consent of all the Parties concerned, order the Question or Matters in difference between them to be referred to Arbitration, to such Person or Persons, and in such Manner, and on such Terms as he shall think fit; and such Reference shall not be revocable by either Party, except by Consent of the Judge; and the Award of the Arbitrator or Arbitrators or Umpire shall be as binding and effectual to all Intents and Purposes, and may be enforced in like Manner, as any Order made by the Judge, or in any other Manner in which Awards may be enforced by Law; provided, that the Judge may, if he think fit, on Application to him within such Time as shall be limited by the Rules of Practice, set aside the same, or, with the Consent of all the Parties concerned, revoke the Reference, or order another Reference to be made in the Manner aforesaid.

Judge may  
refer Matters  
in difference  
to Arbitra-  
tion.

XLI. And whereas the Court to be established under this Act may be found a cheap and convenient Tribunal for the Adjudication of Questions affecting the Rights of Parties to certain Easements connected with the Occupation and Construction of Buildings: Be it enacted, That if the respective Parties between whom any Dispute may exist touching any Right or Claim of Way or Passage in, to, through, or from any Building or Premises, or touching any Right or Claim to the Use of Lights or Windows, or any Right or Claim to any Support, or any other Easement or Accommodation, from, in, or upon the Soil or Tenement of another, within the Limits of this Act, shall agree, by a Memorandum signed by them or by their Attornies, and filed with the Clerk of the Court, that the Court of Metropolitan Buildings shall have Power to try and determine any such Question as aforesaid, then and in such Case the said Court shall have Jurisdiction and Power to try and determine the same; and for the more convenient Trial of any such Question the Judge shall cause the Matter in dispute to be stated in the Form of an Issue in Writing between the respective Parties thereto, One of whom shall be made the Plaintiff, and the other shall be made the Defendant, according to the Direction of the Judge, and the Issue so stated shall be tried and determined by the Judge, or by a Jury in case a Trial by Jury shall be granted, upon the Application of either of the Parties, as hereinbefore provided; and the Decision of the Judge, or Verdict of the Jury,

Questions  
involving the  
Right to  
Easements  
may be tried  
by Court of  
Metropolitan  
Buildings, by  
Consent.



**Appeal.** Jury, as the Case may be, shall be binding and conclusive upon the Parties to the Issue, and upon all Persons claiming under them respectively, subject nevertheless to an Appeal to any One of the Superior Courts upon Matter of Law, in manner herein-after provided with respect to Appeals under this Act.

5

**Costs of Issue how to be borne.**

**XLII.** The Costs incurred in and about the Trial of any such Issue as last aforesaid, to be taxed by the Clerk of the Court, including the Fees of the Court, shall be paid by such of the Parties to the said Issue, or in such Proportion between the several Parties, as the Court in its Discretion shall determine, and shall be recoverable 10 in like Manner as any Sums of Money payable by Order of the Judge under this Act.

**Appeal may be made to One of the Superior Courts upon a Special Case.**

**XLIII.** If any Person concerned in any Question or Matter which shall be tried and determined by the said Judge shall be dissatisfied with his Decision in point of Law, and shall desire to appeal against 15 the same, and shall give Notice in Writing to that Effect to the Judge, either forthwith or at or before the next Sitting of the Court, and also shall give Security, to the Satisfaction of the Clerk of the Court, for the Costs of such Appeal, or if the Judge shall be desirous to refer any doubtful Question of Law to the Adjudication of a Superior 20 Court, then and in either of such Cases respectively the Judge shall draw up in Writing a Special Case, setting forth the Facts which in his Judgment have been established by the Evidence adduced before him, and which shall be material to the Matter in question, and also the Question or Questions of Law which he desires to raise for the Opinion of 25 the Superior Court, and the Case so drawn up shall be signed by the Judge, and by him delivered to the Clerk, who shall transmit the same to the Rule Department of the Master's Office of any One of the Superior Courts in which the Appeal is intended to be tried; and the Clerk of the Court shall be made the Respondent or Appellant in such Appeal, 30 as the Case may be; and the Special Case so stated shall be argued before and determined by Two or more of the Puisne Judges of the said Superior Court sitting out of Term as a Court of Appeal from the Decisions of the Judges of the County Courts, pursuant to the Act of the Thirteenth and Fourteenth Years of Her present Majesty, 35 Chapter Sixty-one; and the said Court of Appeal shall cause a Certificate of their Opinion upon the Special Case so argued before them to be returned to the said Court of Metropolitan Buildings, and such Certificate shall be final and conclusive to all Intents and Purposes.

**Costs of Appeal, how to be borne.**

**XLIV.** If such Special Case shall have been stated at the Request 40 and on behalf of any Party interested in the Matter in question, and if the Decision of the Court of Appeal upon such Case shall in the Opinion

Opinion of the Judge be adverse to the Party appealing, then such Party shall be liable to pay the Costs incurred in respect of such Appeal, to be taxed by the Clerk of the Court; but if such Decision shall not in the Opinion of the Judge be adverse to the Party ap-  
 5 pealing, or if such Case shall have been stated by the Judge on his own Behalf, for the Satisfaction of his own Doubts on any Matter of Law, then it shall be lawful for the Judge to order that all the Costs incurred in respect of such Appeal be paid out of the General Fund of the Court, and such Costs shall be paid accordingly.

10 XLV. No Judgment, Order, or Determination given or made by the Judge in any Matter brought before him shall be removed by Appeal, Motion, Writ of Error, Certiorari, or otherwise, into any other Court whatsoever, save and except in the Manner and according to the Provisions herein-before mentioned. Certiorari, &c. taken away.

15 XLVI. It shall be lawful for Her Majesty, Her Heirs and Successors, to assign to the Judge of the Court of Metropolitan Buildings, a Salary not exceeding a Year, and to the Architectural Referee a Salary not exceeding a Year, over and above the Fees to be received by him in respect of the Supervision  
 20 of Public Buildings, as herein-after provided, and to the Assistant Referee a Salary not exceeding a Year, in addition to any Sums which the Commissioners of Her Majesty's Treasury may in each or any Case think reasonable for defraying any Expenses incidental to any of the said Offices; and the General  
 25 Fund of the Court herein-before mentioned shall be applicable to such Salaries and Payments, and also to any Charges and Expenses incidental to the Court of Metropolitan Buildings, and the Proceedings thereof; *and in case the said General Fund shall not be found adequate for the several Purposes aforesaid the Deficiency shall be supplied out of*  
 30 *the Consolidated Fund of the United Kingdom of Great Britain and Ireland.* Salaries of Judge, Architectural Referee, and other Officers.

XLVII. And whereas it is just that a Portion of the Expenditure incurred in carrying this Act into execution should be contributed by the Localities immediately affected by its Operation: Be it enacted,  
 35 That the Lord Mayor and Aldermen of the City of London shall direct the Chamberlain of the said City, and the Justices of the Peace for the Counties of Middlesex, Surrey, and Kent, in Quarter Sessions assembled, shall direct the respective Treasurers of the said Counties, to pay, by Two half-yearly Payments, in the Months of June and  
 40 December in every Year, to the Treasurer for the Time being of Metropolitan Buildings, next herein-after mentioned, the several annual Sums of Money following, and the same when so paid shall be added  
 584. Contribution to General Fund to be made by City of London and Counties within Limits of this Act.

to

In case of  
Extension of  
Act, Contri-  
bution to be  
determined  
by Order in  
Council.

Contribution  
to be paid  
out of City  
Cash and  
County  
Rates.

Treasury to  
appoint  
Treasurer of  
Metropolitan  
Buildings  
Court.

Offices of  
Clerk and  
Treasurer  
not to be  
conjoined.

to and shall form Part of the General Fund of the said Court ; that is to say, as to the City of London and the Liberties and Suburbs thereof, the Sum of One hundred Pounds ; and as to the County of Middlesex, the Sum of One thousand Pounds ; and as to the County of Surrey, the Sum of *Three hundred and twenty Pounds* ; and as to the County of Kent, the sum of *Eighty Pounds* ; and the First of such half-yearly Payments shall in each Case be made in the Month of June next after this Act shall come into operation : Provided, that in case the Operation of this Act shall be extended by any Order in Council into any other County, in pursuance of the Provisions herein- 10 after contained, it shall be lawful for Her Majesty, Her Heirs and Successors, by the same or any other Order in Council, to determine the Amount which shall be contributed by such County, and which shall thenceforth be paid at the same Time and in the same Manner in all respects as the Amounts so to be contributed by the Counties 15 above mentioned, as aforesaid ; and in every such Case the Chamberlain of the City of London and the several Treasurers of such Counties shall pay the said Amounts out of the City Cash and County Rate respectively.

XLVIII. The Commissioners of Her Majesty's Treasury shall 20 appoint a fit and proper Person to be the Treasurer of the Court holden under this Act, and may remove any such Treasurer, if they shall see Occasion so to do, and appoint another Person in his Room ; and every such Treasurer shall be paid by Salary in such Manner and to such Amount as the said Commissioners from Time to Time 25 shall order ; *and the Salary of every such Treasurer shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland* : Provided always, that the Office of Clerk of the Court holden under this Act and the Office of Treasurer of the said Court shall at no Time be held by the same Person, nor shall One of such 30 Offices be at any Time held by the Partner or by any one in the Service or Employment of the Person holding the other of such Offices.

XLIX. Any Person who, being the Clerk of such Court, or the Partner of such Clerk, or a Person in the Service or Employment of 35 such Clerk or of his Partner, shall accept the Office of Treasurer of such Court, or who, being the Treasurer of such Court, or the Partner of any such Treasurer, or a Person in the Service or Employment of any such Treasurer or of his Partner, shall accept the Office of Clerk of such Court, and also every Clerk, Treasurer, 40 Bailiff, or other Officer of the said Court who shall be, by himself or his Partner, or in any Manner, directly or indirectly, concerned as Attorney or Agent for any Party in any Proceeding in the said Court,

Court, shall forfeit and pay the Sum of *Fifty Pounds* to any Person who shall sue for the same in any of Her Majesty's Superior Courts of Record.

L. The Treasurer and Clerk of the Court to be appointed under  
 5 this Act shall give Security for such Sum and in such Manner and Form as the Commissioners of Her Majesty's Treasury from Time to Time shall order, for the due and faithful Performance of their respective Offices, and for the due accounting for and Payment of any Monies received by them under this Act, or which they may  
 10 become liable to pay for any Misbehaviour in their respective Offices.

Treasurer and Clerk to give Security.

LI. The Clerk of the Court shall from Time to Time, as often as he shall be required so to do by the Treasurer or Judge of the Court, and in such Form as the Treasurer or Judge shall require, deliver to the Treasurer a full Account in Writing of the Fees received by such  
 15 Clerk under the Authority of this Act, and a like Account of all Fines levied by the Court, and of the Expenses of levying the same, and also an Account of all Sums paid and disbursed by him in respect of the Expenses of the Court, or incident to any Proceedings therein ; and the said Clerk shall pay over to the Treasurer, at such  
 20 Intervals or Periods as the Court shall direct, the Monies remaining in his Hands, over and above such Balance as he shall be allowed by the Court to retain for the current Expenditure of the Court.

Clerk to account to Treasurer for Fees, Fines, &c. received.

Balances to be paid.

LII. It shall be the Duty of the Treasurer from Time to Time, quarterly or oftener, as shall be directed by the Order of the Court,  
 25 to audit and settle the Accounts of the Clerk of the Court, and to receive the Balance of the various Monies which such Clerk shall have received, and from Time to Time, according to the Directions which shall be given to him by the Commissioners of the Treasury, to pay over the Balances in his Hands into such Bank or otherwise as  
 30 the said Commissioners shall direct, to the Credit of the General Fund of the Court.

Treasurer to audit Clerk's Accounts.

To pay Balances over to General Fund.

LIII. The said Treasurer shall once in every Year, or oftener if required, on such Day as the Commissioners of the Treasury from Time to Time shall appoint, render to the Commissioners for auditing  
 35 the Public Accounts of Great Britain a true Account in Writing of all Monies received and of all Monies disbursed by him under the Authority of this Act during the Period comprised in such Account, and of the Balance, if any, remaining to the Credit of the General Fund, in such Form and with such Particulars of Receipt and Dis-  
 40 bursement or otherwise as the said Commissioners of Audit may from Time to Time require.

Treasurer to render Accounts to Auditors of Public Accounts.

Accounts of  
Treasurer to  
be audited,  
under Powers  
of 25 G. 3.  
c. 52.

LIV. The Accounts of the said Treasurer shall be examined and audited by the said Commissioners for auditing the Public Accounts, under the Powers vested in such Commissioners by the Act of the Twenty-fifth Year of King George the Third, Chapter Fifty-two, and under any other Acts in force for the Time being. 5

Clerk to  
send to Com-  
missioners of  
Audit an  
Account of  
all Sums  
paid by him  
to Treasurer.

LV. The Clerk of the Court of Metropolitan Buildings shall once in every Year, or oftener if required, on such Day as shall be appointed by the Commissioners of Her Majesty's Treasury, make out and send to the said Commissioners of Audit an Account of all Sums paid over by him to the Treasurer of the Court; and every such Account, duly vouched by Receipts given under the Hand of the Treasurer, shall be a Voucher to charge the Treasurer in his Account before the said Commissioners of Audit. 10

Accounts,  
when audit-  
ed, to be sent  
to Treasury.

LVI. Provided, That it shall not be necessary to declare the Accounts of the said Treasurers before the Chancellor of the Exchequer, but the said Commissioners of Audit shall transmit a Statement of every Account examined and audited by them under the Authority of this Act to the Commissioners of the Treasury for the Time being, who, having considered such Statement, shall return the same to the Commissioners of Audit, together with their Warrant, directing them to make up and pass the Account, either conformably to the Statement or with such Variations as they may deem just and reasonable; and the Account having been made up pursuant to such Directions, and signed by Two or more of the said Commissioners for auditing the Public Accounts, shall remain deposited in the Audit Office, and shall have the same Force and Validity, and be as efficient in Law for all Purposes whatsoever, as if the same had been declared according to the usual Course by the Chancellor of the Exchequer; and the said Commissioners shall thereupon, as soon as conveniently may be, cause such or the like Certificate thereof, in the Nature of a Quietus, to be made out and delivered, as is now practised by them with regard to declared Accounts, and which shall be equally valid and effectual to discharge the Accountants, and to all other Intents and Purposes. 15 20 25 30

Division of  
Districts and  
Appoint-  
ment of Dis-  
trict Sur-  
veyors to  
continue in  
force.

LVII. And whereas, under the Powers of the recited Act of the Seventh and Eighth Years of Her present Majesty, Chapter Eighty-four, and for the more convenient Distribution of the Business to be transacted under the said Act, the several Parishes and Places within the Limits herein-before specified have been divided by the Authorities thereby empowered in that Behalf into a certain Number of Districts, and certain Persons have been appointed, by the Authorities and under the Powers aforesaid, to be District Surveyors in and for such 35 40

such Districts respectively: Be it enacted, That the several Districts which at the Time when this Act shall come into operation shall have been formed and constituted under the Provisions of the said recited Act shall be and continue to be Districts for the Purposes of this Act, and that the several Persons who at the Time when this Act shall come into operation shall be the District Surveyors under the Provisions of the said recited Act shall be and continue District Surveyors under this Act, subject nevertheless to the Provisions and Conditions herein-after prescribed.

- 10 LVIII. It shall be lawful for the Commissioners of Works and Buildings, from Time to Time to remove, in case of Inability or Misbehaviour, any District Surveyor who may have been continued or appointed under this Act, and in case of any Vacancy in such Office occasioned by such Removal, or by the Death or Resignation of any District Surveyor, another Person, duly qualified as herein-after provided, shall be appointed to such Office.

Appoint-  
ments of  
District  
Surveyors  
henceforth to  
be made by  
Commission-  
ers of Works  
and Build-  
ings.

- LIX. Every District Surveyor to be hereafter appointed for any District within the City of London and the Liberties thereof shall be appointed by the Lord Mayor and Aldermen of the said City, and every District Surveyor for any District within the said several Counties of Middlesex (not being within the City of London), Surrey, and Kent, shall be appointed by the respective Justices of the Peace in their General Quarter Sessions assembled, or at any Adjournment thereof, provided that every District Surveyor so to be appointed shall be a Person of the full Age of Thirty Years, and duly qualified as herein-after provided.

District  
Surveyors  
how to be  
appointed.

- LX. And for ensuring due professional Qualification in the Persons who may be appointed District Surveyors, be it enacted, That the Commissioners of Works and Buildings shall appoint Three or more fit and competent Persons of the Profession of an Architect, Engineer, or Surveyor, to be Examiners of Persons who may present themselves to be examined for the Purpose of obtaining a Certificate of Qualification for the Office of District Surveyor; and such Examiners shall appoint such Times for the said Examinations, and may make such Rules as to the Mode of conducting the same, and the granting of Certificates of Qualification as to them may seem fit.

Examiners  
of District  
Surveyors to  
be appointed.

- LXI. It shall be the Duty of such Examiners to examine every Person who may come before them for the Purpose of being examined; and if it shall appear to at least Three of the Examiners conducting any Examination that any Person so examined by them is a Person properly educated and skilled in the Art and Practice of Building,

Examiners  
to examine  
every Person  
coming for  
the Purpose.  
Certificates  
of Qualifica-  
tion to be

signed by  
Two Exam-  
iners.

Building, and is otherwise properly qualified to exercise the Office of District Surveyor, then it shall be the Duty of such Examiners to make their Certificate, signed by at least Two of their Number conducting such Examination, certifying that such Person has been duly examined, and found qualified for such Office.

5

Certificate to  
be produced  
One Week  
before Elec-  
tion of Dis-  
trict Sur-  
veyor.

LXII. Unless One Week before the Election of any District Surveyor for any District a Certificate of such Examiners as aforesaid be produced by the Candidate to the Town Clerk of the City of London, or to the Clerk of the Peace for the County, City, or Liberty, as the Case may be, it shall not be lawful for the Lord Mayor and Alderman, or for any Justices by this Act empowered to appoint Surveyors, to appoint such Person to be such Surveyor, and the Appointment of any such Person shall be void.

10

Power to  
alter and  
consolidate  
Districts.

XLIII. And whereas it is expedient for the better Execution of this Act, that Provision should be made for consolidating some of the Districts formed under the before-recited Act, and for diminishing the Number of the District Surveyors as Opportunity may arise: Be it enacted, That it shall be lawful for the Commissioners of Works and Buildings, as often as any of the said Offices shall become vacant, at their Discretion, to alter or extend the Limits of any District so created, or of any adjoining District, or to unite any Two or more Districts together, and in any such Case to declare that such altered or extended or consolidated District shall be and remain within the Jurisdiction and under the Supervision of any existing or of any newly-appointed District Surveyor: Provided always, that every such Order of the said Commissioners as aforesaid shall be published in the London Gazette, and shall come into operation at and from the Date of such Publication.

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District  
Surveyors to  
make Decla-  
ration of offi-  
cial Fidelity.

LXIV. Every District Surveyor, before he shall act in pursuance of this Act, shall make and subscribe before the Judge of Metropolitan Buildings hereafter to be appointed a Declaration of official Fidelity in the Form or to the Effect following; that is to say,

30

‘ I A. B., being One of the Surveyors appointed in pursuance of the Metropolitan Buildings Act (1851), do solemnly declare, That I will diligently, faithfully, and impartially perform the Duties of my Office, and, to the utmost of my Power, Skill, and Ability, endeavour to cause the several Provisions of the said Act to be duly observed, and that without Favour or Affection, Prejudice or Malice, to any Person whomsoever.’

35

Penalty for  
acting before  
making De-  
claration.

And if before making such Declaration any such Surveyor act in pursuance of this Act, then, on Conviction thereof, he shall be liable to

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to pay for every Day during which he shall have so acted before making such Declaration the Sum of *Five Pounds*.

- LXV. Every District Surveyor for the City of London and the Liberties thereof shall have and maintain an Office, at his own  
 5 Expense, in such public Situation within the City of London, and every other District Surveyor shall have and maintain an Office, at his own Expense, in such public Situation in some central or other convenient Part of his District as shall be approved by the Commissioners of Works and Buildings, and immediately upon his Appoint-  
 10 ment, and from Time to Time upon every Change of his Residence or of his Place of Business, or at any other Time, if required, he shall make a Return to the Court of Metropolitan Buildings, and to the Overseers of the Poor of every Parish of Place within his District, of the Places of his Abode and of his Office; and it shall be the  
 15 Duty of every such District Surveyor and he is hereby required, by himself or by some other Person in his Behalf, to attend at his Office every Day (Sundays, Christmas Day, and Good Friday excepted,) from Ten of the Clock in the Forenoon till Four of the Clock in the Afternoon; and every District Surveyor hereafter appointed  
 20 after this Act shall have come into operation shall either reside within his District or have his principal Office or Place of Business therein.
- District Surveyor to have an Office in an approved Situation.
- District Surveyor to make a Return of his Office and Residence;
- to attend daily at his Office;
- Future District Surveyors to reside in District.

And for providing Remuneration for the District Surveyors for their Services performed under this Act, be it enacted,

- 25 LXVI. That upon the Expiration of *One Month* after the Roof of any Building erected and surveyed by any District Surveyor under this Act shall have been covered in, or upon the Expiration of *Fourteen* Days after the Completion of any Addition, Alteration, or other Work by this Act placed under the Supervision of the District  
 30 Surveyor, or upon the Expiration of *Fourteen* Days after any special Service shall have been performed, it shall be lawful for the District Surveyor, upon delivering to the Builder of the Building, or to any Owner or Occupier thereof for the Time being, an Account of the Fees incurred, and upon tendering a Receipt duly signed, and  
 35 specifying in the Terms contained in the monthly Returns to be made by him as herein-after provided the Amount of such Account, and the Work supervised or the special Service performed, to receive from the Builder or from the Owner or Occupier to whom such Account shall have been delivered and such Receipt tendered, for his  
 40 Time, Trouble, and Expenses in causing the Rules, Regulations, and Directions of this Act to be observed, or in performing such special Service, the several Fees specified in the Schedule (L.) hereunto annexed; and if such Fee be paid by the Builder or by the Occupier
- District Surveyor to be entitled to Fees on Expiration of One Month after covering in of Roof, or of Fourteen Days after Completion of other Work or Service, and on delivering Account.
- Builder or Occupier of



paying Fees  
may recover  
from Owners.

of any Building such Builder or Occupier shall be entitled to recover the Amount thereof, by virtue of an Order of the Court of Metropolitan Buildings to be made in that Behalf, from the Owner of such Building, subject nevertheless to any Contract or Agreement between such Builder or Occupier and such Owner.

5

But if Work  
be irregular,  
District Sur-  
veyor not  
to receive  
Fee, unless  
otherwise  
awarded.

Fee wrongly  
received to  
be refunded.

LXVII. Provided always, That if the Work in respect of which such Fee shall become payable shall not have been done in every respect agreeably to the Provisions, Rules, and Directions of this Act, then it shall not be lawful for any Surveyor to receive such Fee, unless by any Order of the Court of Metropolitan Buildings it be 10 otherwise directed; and if he so receive it, not being lawfully entitled thereto, then it shall be lawful for the said Court to order the said Surveyor to refund such Fee, or any Part thereof, as to the Court may seem proper.

Commission-  
ers of Works  
may appoint  
special Fees  
for Services  
not provided  
for.

LXVIII. Provided always, That if there be any special Service 15 required to be performed by the District Surveyor under this Act for which no Fee is specified in the said Schedule (L.), then it shall be lawful for the Commissioners of Works and Buildings, upon the Report of the Architectural Referee, to order and appoint any Fee not exceeding Two Pounds for such Service, and it shall be lawful for 20 the District Surveyors to receive such special Fee as if the same were expressly named in the said Schedule (L.)

District Sur-  
veyor to  
make month-  
ly Returns of  
Notices re-  
ceived,  
Works su-  
pervised,  
Services  
performed,  
and Fees  
charged.

LXIX. It shall be the Duty of every District Surveyor and he is hereby required, within *Seven Days* after the First Day of every Month, to make a Return to the Clerk of the Court of Metropolitan 25 Buildings of all Notices, Informations, and Complaints received by him relative to the Business of his District, and the Results thereof, and of all the several Works supervised and special Services performed by him in the Exercise of his Office within the previous Month, and of all Fees charged or received in respect thereof, and to specify in such 30 Return the Rate and Description and Locality of every Building built, rebuilt, enlarged, or altered, or on which any Work or Operation shall have been executed, under his Supervision, with the particular Nature of every Alteration or other Work in respect of which any Fee has been charged or received:

35

Return duly  
signed to be  
a Certificate  
that Works  
are agreeable  
to Act;  
but not to  
hinder future  
Proceedings.

And every such Return shall be signed by such Surveyor, and if so signed it shall be deemed to be a Certificate that all the Works enumerated therein as completed have been done in all respects agreeably to this Act, according to the best of his Knowledge and Belief, and that they have been duly surveyed by him; but no such 40 Return shall be any Protection from or Hindrance to any future Proceedings

Proceedings in respect of Works not executed according to the Provisions of this Act, though the same may have been done before the making of such Return.

LXX. It shall be the Duty of the Treasurer to be appointed under  
 5 this Act from Time to Time to audit and examine the said monthly  
 Returns made by the District Surveyors respectively, so far as the  
 same relate to the Fees charged or received by them in respect of  
 Services performed or alleged to have been performed under this Act ;  
 and in case any of such Fees shall appear to the Treasurer, upon due  
 10 Inquiry, to be unauthorized by this Act, or to exceed in amount the  
 Rates thereby made payable, or in case any such Account shall appear  
 to be in any respect fraudulent or untrue, the Treasurer shall make his  
 Report in Writing to that Effect to the Court ; and in case the Judge,  
 upon Inquiry by him made, shall think that such Report ought to be  
 15 confirmed, he shall confirm the same, and shall thereupon cause the  
 Proceedings and Penalties by this Act directed to be taken and  
 enforced in such Cases to be taken and enforced against the District  
 Surveyor so offending ; and the Judge shall also, if in his Opinion  
 the Circumstances of the Case render it in his Judgment fit and  
 20 proper so to do, transmit the said Report, with his Observations  
 thereon, to the Commissioners of Works and Buildings.

Treasurer  
to audit  
Accounts of  
Fees charged  
by District  
Surveyors,  
and to report  
in case of  
Excess.

LXXI. If any District Surveyor, Clerk, Bailiff, or other Officer  
 acting or assuming to act under the Powers of this Act, or under  
 Colour or Pretence of the Process of the Court of Metropolitan  
 25 Buildings, shall be charged with any Misconduct, Negligence, or  
 wilful Default in the Performance of his Duty, it shall be lawful for  
 the Judge, upon Complaint made to him, to inquire into the Matter  
 in a summary Way, and for that Purpose to summon and enforce the  
 Attendance of the Party charged or complained against, and of all  
 30 other necessary Parties, in like Manner as the Attendance of Wit-  
 nesses may be enforced under the Provisions of this Act, and after  
 such Inquiry had to make such Order for the Repayment of any  
 Money unduly received, or for the Payment of such Compensation  
 and Costs to any Party aggrieved or injured in respect to the Matter  
 35 in question, as he shall think just, and also, if he think fit, to impose  
 such Fine upon the District Surveyor, Clerk, Bailiff, or other Officer,  
 not exceeding *Ten Pounds* for each Offence, as he shall deem ade-  
 quate ; and in default of Payment of any Money so ordered to be paid  
 Payment of the same may be enforced by such Ways and Means as  
 40 are herein-before provided for enforcing the Payment of any Monies  
 payable by Order of the Court.

Remedies  
and Penalties  
against Mis-  
conduct of  
Officers.

Penalty on  
Officers for  
Extortion or  
Fraud.

LXXII. Any District Surveyor, Treasurer, Clerk, Bailiff, or other Officer employed in putting this Act or any of the Powers thereof into execution, who shall wilfully and corruptly exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as are or shall be appointed and allowed respectively as aforesaid, 5 for or on account of anything done or to be done by virtue of this Act, or on any Account whatever relative to putting this Act into execution, or who shall wilfully and corruptly omit to pay over or account for any Monies received by him in the Execution of this Act, shall, upon Proof of any such Act or Omission, as the Case may be, before 10 the said Court, and on Allowance of the finding of the Court by the Commissioners of Works and Buildings, be for ever incapable of serving or of being employed under this Act in any Office of Trust or Profit, and shall also be liable for Damages at the Suit of the Party aggrieved.

15

District Sur-  
veyor, in case  
of Illness or  
Absence,  
may appoint  
Deputy, sub-  
ject to Con-  
sent of Judge.

LXXIII. If any District Surveyor be prevented by Illness, Infirmary, or any other unavoidable Circumstance, from attending to the Duties of his Office, he is hereby authorized and required, but subject to the previous Consent and Approval of the Judge of Metropolitan Buildings, to appoint some other Person duly qualified for the Office 20 of District Surveyor as his Deputy, to perform all such his Duties for so long a Time (not exceeding *Three* Months at any one Time) as he shall be so prevented from executing them; and thereupon, during such Time as aforesaid, it shall be lawful for such Deputy Surveyor and he is hereby required to perform all the Duties of such District Sur- 25 veyor in all respects as if he were the District Surveyor appointed under this Act.

Deputy to  
act as Dis-  
trict Sur-  
veyor.

Assistant  
Surveyor  
may be ap-  
pointed on  
Emergency.

LXXIV. If at any Time it appear to the said Judge that on account of the Pressure of Business in any District, or any other Account, the Surveyor of that District cannot discharge his Duties 30 promptly and efficiently, then it shall be lawful for such Judge and he is hereby empowered to appoint any other District Surveyor to assist the Surveyor of such District in the Performance of his Duties, or to appoint some other Person duly qualified for the Office of District Surveyor as aforesaid to give such Assistance; and with 35 regard to all Buildings to be surveyed, and all other Acts to be done by him, it shall be the Duty of such Assistant Surveyor to act in all respects as if he had been appointed to be the permanent Surveyor of such District, and to charge and receive the Fees payable to the District Surveyor under this Act.

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Assistant  
Surveyor to  
act as Dis-  
trict Sur-  
veyor.

LXXV. If

LXXV. If any Building be built, rebuilt, enlarged, or altered, or any other Work or Operation subject to any of the Rules and Directions of this Act be performed therein, by or under the Superintendence of any District Surveyor acting professionally or on his own private Account, it shall not be lawful for the same Surveyor to survey any such Building for the Purposes of this Act, or to act as District Surveyor in respect thereof or in any Matter connected therewith, but it shall be his Duty to give Notice thereof to the said Judge, who shall then appoint some other District Surveyor, or other Person duly qualified for the Office of District Surveyor as aforesaid, to act in respect of any such Matter.

District Surveyor not to act in case of Works under his professional Superintendence.

And for providing against Injury, Loss, and Inconvenience in certain Cases from the Application of this Act, be it enacted,

LXXVI. That if any of the Rules or Directions of this Act be found to defeat the Purposes of this Act, or needlessly to affect with Injury the Course or Operation of any Trade or Business, or to obstruct the advantageous Use or Conversion of Buildings, or to hinder the Adoption of Improvements or of Expedients either better or sufficiently well adapted for accomplishing the Purposes of this Act;

If any Rule would defeat the Purposes of the Act, or be injurious;

Or if in rebuilding any Building already built, or in executing any Work upon any such Building, a full Compliance with the Rules and Directions of this Act will be attended with any special Injury, Loss, or Inconvenience;

or would be attended with Loss in case of existing Buildings;

Or if in any Case any Rules or Directions of this Act be at variance with or prevent the due Observance of the Covenants, Agreements, or Conditions contained in any Lease, or Agreement for a Lease, being of the Nature of a Building Lease, made before the passing of this Act;

or would be at variance with a Building Lease already made;

Then and in every such Case it shall be lawful for any Person affected or who may be affected by such Rules or Directions to make a Representation in Writing to the Court of Metropolitan Buildings, claiming a Modification of any such Rules and Directions, either with reference to any particular Case, or permanently and generally, and setting forth the Grounds upon which such Modification is claimed:

Representation to be made claiming a Modification.

And upon receiving such Representation the said Court shall inquire into the Subject Matter and Grounds thereof, and shall certify their Opinion thereon, together with the Grounds of their Opinion, to the Commissioners of Works and Buildings:

Court of Metropolitan Buildings to certify their Opinion.

And if such Commissioners, or any Two of them, be of opinion that by such Modification, either unconditionally, or upon the Observance of any Terms, Conditions, or Restrictions, the Objects of this Act will be attained, either better, or as effectually, or with sufficient Effect, then it shall be lawful for such Commissioners to make such a Modification of the Rules and Directions of this Act, either with

Commissioners of Works and Buildings may make Modification.

Special Modifications to come into effect on being signed and registered; and general Modifications, on being signed, registered, and published. Modifications to have Effect as if enacted.

regard to any particular Case, or permanently and generally, as they shall deem expedient, and either unconditionally, or upon the Observance of any Conditions, Terms, or Restrictions which it may appear to them to be expedient to impose; and if such Modification shall be intended to apply to some individual Case only, then, upon the same 5 being signed by the said Commissioners or any Two of them, and registered in the Court of Metropolitan Buildings, or if such Modification be to affect generally and permanently any Rules and Directions of this Act, then upon such Modification being signed as aforesaid, and registered in the Court of Metropolitan Buildings, and 10 being published in the London Gazette, and in at the least One Newspaper published and circulating within the local Limits of this Act, such Modification shall come into operation, and, with reference to the Case or Cases to which the same shall be intended to apply, shall have the same Effect as if the Rules and Directions, Conditions, 15 Terms, or Restrictions of such Modification had been expressly enacted herein: Provided, that it shall be the Duty of the Clerk of Metropolitan Buildings, immediately on registering any such Modification as aforesaid, to send a Copy thereof, under the Seal of the Court, to the Surveyor of the District to which the particular 20 Modification applies, or in case the Modification be general, then to each of the District Surveyors for the Time being:

Modifications may be rescinded or altered.

Provided also, that on such a Representation and Certificate as aforesaid it shall from Time to Time be lawful for the said Commissioners, if they see fit, to rescind any general Modification 25 made by virtue of this Act, or to alter any such Modification by any future Modification, duly signed, registered, and published as aforesaid.

*Supervision of Buildings.*

And for regulating the Supervision of Buildings, and for providing for the Removal or Amendment of Irregularities, be it enacted, 30

Private Buildings to be supervised by the District Surveyor.

LXXVII. That every Private Building shall be built and rebuilt, and every Addition, Alteration, or other Work or Operation to or upon any such Building, affected by any of the Rules and Directions of this Act, shall be executed, subject so far as this Act prescribes to the Supervision of the District Surveyor: 35

Public Buildings by the Architectural Referee.

And every Public Building as defined by this Act shall be built and rebuilt, and every Addition, Alteration, or other Work or Operation to or upon any such Building, affected by any of the Rules and Directions of this Act, shall be executed, subject so far as this Act prescribes to the Supervision of the Architectural Referee. 40

District Surveyors and Architectural Re-

LXXVIII. It shall be the Duty of the Architectural Referee and of the District Surveyors respectively, and they are hereby required from Time to Time, upon Receipt of any Notice pursuant to the Provisions

Provisions herein contained, and also upon any Work affected by the Rules and Directions of this Act, but in respect of which no Notice shall have been given, being observed by or made known to them respectively, and also from Time to Time during the Progress of any

- 5 Works affected by the Rules and Directions of this Act, when and as often as shall be necessary for securing the due Observance of such Rules and Directions, to survey any Building or Work hereby placed under their Supervision respectively, and to cause all the Rules and Directions of this Act to be duly observed.

- 10 LXXIX. Two Days before any Private Building, or any Addition, Alteration, or other Work or Operation affected by the Provisions of this Act, to, of, or upon any Private Building, be commenced, and Four Days before any Public Building, or any Addition or Alteration or other Work or Operation as aforesaid, to, of, or upon any Public  
 15 Building, be commenced, and also if the Progress of any such Building, Work, or Operation shall, after the Commencement thereof, be suspended for any Period exceeding *Three Months*, then if the Building be a Private Building, Two Days before such Building, Work, or Operation shall be resumed or recommenced, and, if the  
 20 Building be a Public Building, Four Days before such Building, Work, or Operation shall be resumed or recommenced, and also if, during the Progress of any such Building, Work, or Operation, the Builder employed thereon shall be changed, then, if the Building be a Private Building, Two Days before any new Builder shall enter upon  
 25 the Continuance of such Building, Work or Operation, and if the Building be a Public Building, then Four Days before any new Builder shall enter upon the Continuance of such Building, Work, or Operation, it shall be the Duty of the Builder engaged in building or rebuilding such Building, or in executing such Work or Operation, or  
 30 in continuing such Building, Work, or Operation, and he is hereby required, to give to the District Surveyor, at his Office, Notice in Writing; and such Builder shall state in such Notice the local Situation and intended Use of the Building, or of the several Buildings about to be commenced, or to or in which any Addition, Alteration, or other  
 35 Work or Operation is to be made or executed, and the Number of such Buildings, if more than One, and also the Rate of any such Building or of each of such several Buildings, and also the Particulars of any such proposed Addition, Alteration, or other Work or Operation :

- 40 And forthwith upon receiving any such Notice with respect to any Building hereby placed under the Supervision of the Architectural Referee it shall be the Duty of the District Surveyor to transmit such Notice to the Architectural Referee, and also forthwith, upon observing or being informed of the Commencement within  
 534. his

free to  
cause Rules  
of Act to be  
observed.

Builder to  
give Notice  
to District  
Surveyor  
before com-  
mencing or  
resuming  
building, or  
in case of  
Change of  
Builder.

In case of  
Public Build-  
ings, District  
Surveyor to  
communicate  
Notice to  
Architec-  
tural Referee.

his District of any such Building, Work, or Operation in respect of which no Notice shall have been given as hereby required, it shall be the Duty of the District Surveyor to inform the Architectural Referee thereof:

And if, before the Completion of any such Building, Addition, 5 Alteration, or other Work or Operation, it be intended to build, make, or execute the same otherwise than according to the Particulars in such Notice set forth, then it shall be the Duty of the Builder forthwith to give another Notice to the District Surveyor, stating therein the Particulars as so altered; and if the Building, 10 Addition, Alteration, or other Work or Operation to which such Notice shall relate, shall be a Building, Addition, Alteration, Work, or Operation hereby placed under the Supervision of the Architectural Referee, it shall be the Duty of the District Surveyor, immediately on Receipt of such Notice, to transmit the same to the 15 Architectural Referee.

Notice to be  
Evidence of  
intended  
Works.

LXXX. Every Notice which shall be given in pursuance of this Act shall be taken and deemed, in any Question with the Builder, Owner, or Occupier of the Building, Work, or Operation therein referred to, relative to such Building, Work, or Operation, to be 20 sufficient Evidence, as against such Builder, Owner, or Occupier, of the Nature of the Building, Work, or Operation proposed to be built or executed:

Builder to  
be fined in  
default of  
Notice.

And if any Builder neglect to give such Notice in any of the Cases aforesaid, or before such Notice, or before the Expiration of 25 any of such Periods of Two Days and Four Days respectively, do any of the Acts or Things aforesaid, then in every such Case such Builder shall for every such Neglect forfeit and pay to the District Surveyor or to the Architectural Referee, as the Case may be, treble the Amount of the Fees which such District Surveyor or Architectural 30 Referee would have been entitled to receive, according to the Provisions herein contained, for supervising such Building, Work, or Operation when built or executed conformably to the Rules and Directions of this Act, and shall further forfeit for every such Neglect a Sum not exceeding *Ten Pounds* : 35

In case of  
Emergency,  
Works may  
be com-  
menced  
without  
Notice.

Provided always, that if by reason of any Emergency of Danger any Act, Matter, or Thing be required to be done immediately, or before Notice can be given as aforesaid, then it shall be lawful to do such Act, Matter, or Thing so required to be done, but upon Condition that before the Expiration of *Twenty-four* Hours after such Act, 40 Matter, or Thing shall have been begun Notice thereof be given to the District Surveyor or to the Architectural Referee, as the Case may be.

LXXXI. If

LXXXI. If in building or rebuilding any Private Building, or in executing in or upon any Private Building any such Work or Operation, any Work or Thing be done or executed contrary in any respect to any of the Rules and Directions of this Act, or if any  
 5 Work or Thing required by this Act be omitted to be done or executed ;

District Surveyor to give Notice in case of irregular Works ;

Or if the District Surveyor, on surveying or inspecting any such Building or Work, shall find that the same is so far advanced that he cannot ascertain whether any Work or Thing has been done or exe-  
 10 cuted contrary to the Rules and Directions of this Act, or whether any Work or Thing required by the Rules and Directions of this Act has been omitted to be done or executed ;

or in case of Works supposed to be irregular ;

Or if the District Surveyor shall at any Time receive Information or otherwise become cognizant that any Building whatsoever, whether  
 15 now built or hereafter to be built, or any Part of or Appendage to any Building, is, either from natural Decay, Accident, Damage, or original Malconstruction, or any other Cause, in such a Condition as to be dangerous to the Public or to any adjoining Owner ;

or in case of dangerous Buildings, or Parts thereof ;

Then and in every such Case it shall be the Duty of the District  
 20 Surveyor to give to the Builder employed or acting at the Time in the building or rebuilding of any such Building, or in doing or executing any such Work or Operation which shall be contrary to this Act as aforesaid, or to any Foreman or principal Workman on the Premises acting under such Builder, or to the Owner or Occupier of  
 25 such Building, or to the Owner or Occupier of any such dangerous Building, or to the Owner or Occupier of the Premises whereon the same shall have been commenced or shall be carried on, a Notice in Writing requiring him within *Forty-eight* Hours to cause any Work or Thing so contrary to the Rules and Directions of this Act to  
 30 be amended ; or any Work or Thing required to be done by this Act, but which has been omitted to be done, to be done and executed ; or so much of any Building or Work as prevents such District Surveyor from ascertaining whether any Work or Thing has been done or omitted to be done as aforesaid to be to a sufficient Extent cut into,  
 35 laid open, or pulled down ; or requiring him, within Fourteen Days thence next ensuing, to pull down or demolish or sufficiently repair any Building, or any Part or Appendage of any Building, which shall be dangerous as aforesaid ; and if such District Surveyor shall be of opinion that it is necessary, for preventing Injury to any Person  
 40 or Property, that, until such dangerous Building, Part or Appendage, be pulled down or demolished, or sufficiently repaired as aforesaid, the same should be shored up or hoarded in, or otherwise properly secured, then it shall further be the Duty of such District Surveyor by such Notice to require the Owner or Occupier of such dangerous  
 534. I Building

to Builder or Foreman in case of irregular Works ;

to Owner or Occupier in case of a dangerous Building ;

requiring Amendment of Irregularity or opening of concealed Irregularity ;

or Demolition or Repair of a dangerous Building, and, if necessary, shoring or hoarding in of the same.



Building forthwith to cause the same to be so shored up, hoarded in, or otherwise properly secured.

District Surveyor to certify to Lord Mayor, Surveyor of Pavements, or Overseers ;

LXXXII. Upon giving any Notice requiring any dangerous Building, Part or Appendage, to be shored up, hoarded in, or otherwise properly secured as aforesaid, it shall further be the Duty of the District Surveyor to certify in Writing under his Hand the Condition of such Building, Part or Appendage, and to transmit such Certificate, if such Building be situate within the City of London, then to the Lord Mayor of the said City, or if situate elsewhere, and within the local Jurisdiction of any Commissioners of Pavements, then to the Surveyor of Pavements, or if situate elsewhere than in the said City, and there be no Commissioners of Pavements having Jurisdiction where such Building is situate, then to the Overseers of the Poor of the Parish within which such Building is situate :

who are to shore up and hoard in dangerous Buildings.

And forthwith upon Receipt of such Certificate it shall be the Duty of the Lord Mayor, Surveyor of Pavements, or Overseers respectively, and they are hereby respectively authorized and required, if the Owner or Occupier of such Building has not caused the same, or such dangerous Parts or Appendages thereof, to be shored up and hoarded in, or otherwise made sufficiently secure, in pursuance of the Notice to that Effect from the District Surveyor, to cause the same to be done forthwith.

District Surveyor to survey upon Expiration of Notice.

LXXXIII. And upon the Expiration of *Forty-eight* Hours from the Service of any Notice to amend any Work or Thing contrary to the Rules and Directions of this Act as aforesaid, or to do any Work or Thing omitted to be done as aforesaid, or to cut into, lay open, or pull down any Work as aforesaid, and upon the Expiration of Fourteen Days after Notice, to pull down, demolish, or sufficiently repair any dangerous Building, Part, or Appendage, as aforesaid, it shall be the Duty of the District Surveyor and he is hereby required to survey such Building or Work :

District Surveyor to refer the Matter where Notice is not complied with to the Court of Metropolitan Buildings.

And if it shall then be found that any such Work or Thing has not been amended or done, or that any such Work has not to a sufficient Extent been cut into, laid open, or pulled down, or that any such dangerous Building, Part or Appendage, has not been begun to be pulled down, demolished, or sufficiently repaired, or that the Operation of pulling down, demolishing, or sufficiently repairing such dangerous Building, Part or Appendage, is not proceeding with all due Despatch, then it shall be the Duty of the District Surveyor to refer the Matter, as herein-before provided, to the Court of Metropolitan Buildings.

LXXXIV. If

LXXXIV. If upon such Reference of the Matter to the said Court it shall appear that any Breach of the Rules and Directions of this Act has been committed, or that there is good Reason to suppose that any Breach has been committed and is concealed, or that any such  
 5 Building, Part or Appendage, is dangerous, as aforesaid, then it shall be lawful for the said Court to order that the Building in which any Work or Thing contrary to the Rules and Directions of this Act has been done, or in which any Work or Thing required by this Act has been omitted to be done, be amended, pulled down, or removed, or  
 10 that any Work or Thing which there is good Reason to suppose conceals any Breach of the Rules and Directions of this Act be to a sufficient Extent cut into, laid open, or pulled down, or that any dangerous Building, or any dangerous Part or Appendage of any Building, be pulled down, demolished, or sufficiently repaired, or  
 15 to make or give such other Order or Directions as the Case shall require.

Court empowered to make Order according to the Nature of the Case.

LXXXV. And if within *Forty-eight* Hours after Notice by the District Surveyor in that Behalf any Building, Work, Matter, or Thing which by any such Order of the Court as aforesaid shall have  
 20 been directed to be cut into, laid open, or pulled down for the Purpose of ascertaining whether any Breach of the Rules and Directions of this Act has been committed, shall not be so cut into, laid open, or pulled down to a sufficient Extent, then the District Surveyor shall proceed, with a sufficient Number of Workmen or other Persons, to  
 25 cut into, lay open, or pull down such Parts of such Building, Work, Matter, or Thing as may be sufficient for the Purpose aforesaid, and shall be entitled, if the Court shall so order, to recover the Costs and Expenses of such cutting into, laying open, or pulling down from the Builder, Owner, or Occupier of such Building, Work, Matter, or  
 30 Thing, as the Court may direct.

District Surveyor empowered to carry Order of Court into execution.

LXXXVI. If at any Time during the building or rebuilding of any Public Building, or the Execution of any Addition, Alteration, or other Work or Operation thereon, hereby made subject to the Supervision of the Architectural Referee, it shall appear to such  
 35 Architectural Referee that any such Building, Addition, Alteration, or other Work, or any Part thereof, is in any respect contrary to the Rules and Directions of this Act, or is, having reference to the Purposes thereof, defective, insufficient, or insecure, such Referee shall give Notice to the Builder, requiring him forthwith to amend  
 40 or strengthen such irregular, defective, insufficient, or insecure Parts:

Architectural Referee to give Notice of irregular, defective, insufficient, or insecure Works.

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And

Builder to  
give Notice  
on Comple-  
tion.

Referee  
again to  
survey ;  
and if not  
satisfied, to  
give Notice.

Architec-  
tural Referee  
to proceed as  
District  
Surveyor in  
case of Irre-  
gularity ;

and if satis-  
fied, to  
certify.

Building not  
to be used  
without  
Certificate.  
Penalty for  
using the  
Building  
without  
Certificate.

Fees to be  
paid in  
respect of  
Supervision  
of Public  
Buildings.

Expenses of  
such Super-  
vision to be  
paid out of  
the Fees.

And upon the Completion of any such Building, Addition, Altera-  
tion, or other Work, the Builder shall give Notice thereof to the  
Architectural Referee :

And thereupon the said Referee shall again survey such Building :

And if upon such Survey such Referee shall not be satisfied that 5  
such Building, Addition, Alteration, or other Work has been com-  
pleted according to the Rules and Directions of this Act, or that  
the same is of sufficient Strength, then such Referee shall give to the  
Builder Notice that he is not satisfied, and in what respect :

And if any Builder shall fail to amend any irregular, defective, or 10  
insecure Works in any such Public Building within *Forty-eight* Hours  
after Notice to that Effect from such Referee as aforesaid, it shall be  
the Duty of the said Referee to refer the Matter, as herein-after pro-  
vided, to the Court of Metropolitan Buildings, and thereupon such  
Proceedings shall be had as in other Cases of Reference to the said 15  
Court under this Act :

And if upon the Completion of any Building, Addition, Alteration,  
or other Work by this Act placed under his Supervision the Archi-  
tectural Referee shall be satisfied that the same has been completed  
according to the Rules and Directions of this Act, and is of sufficient 20  
Strength and sufficiently set to be safe, then it shall be his Duty and  
he is hereby required to make a Certificate to that Effect :

And until such Certificate be made it shall not be lawful for any  
Person to use or continue to use such Building for any Purpose :

And if the Owner of any such Building shall use the same, or 25  
shall cause or knowingly permit the same to be used, for any Purpose  
whatever, before the Architectural Referee shall have certified his  
Satisfaction therewith as aforesaid, then every such Owner shall forfeit  
and pay a Sum not exceeding *Two hundred Pounds* for every Day  
during which such Building shall be so used, to be recovered by 30  
Action in any of Her Majesty's Superior Courts.

LXXXVII. There shall be paid to the Architectural Referee, in  
respect of the Supervision of Public Buildings, and of Additions,  
Alterations, or other Works or Operations in or to Public Buildings,  
such and the same Fees as are by this Act made payable to a District 35  
Surveyor in respect of Private Buildings, or of Additions, Alterations,  
or other Works or Operations of a similar Kind to Private Buildings  
of the same Rate and Dimensions, according to the Table of Fees  
appointed in the Schedule (M.) to this Act annexed ; and the  
Architectural Referee shall defray out of such Fees all Costs, Charges, 40  
and Expenses incident to such Supervision ; and such Fees shall be  
paid and payable by such and the same Persons and at such and the  
same Time as Fees to District Surveyors are by this Act made  
payable ;

payable; and the Architectural Referee shall make and render such Returns to be made of Public Buildings supervised. and the same Returns and Accounts of Public Buildings, and of Additions, Alterations, or other Works or Operations, supervised by him, and of the Fees charged and received, and of the Costs, Charges, 5 and Expenses defrayed by him in respect thereof, as are by this Act required to be made by District Surveyors in respect of Private Buildings and Works; and the Accounts rendered by the Architectural Referee of the Fees charged and received by him, and of the Costs, Charges, and Expenses defrayed by him as aforesaid, shall 10 be audited in like Manner by the Treasurer to be appointed under this Act.

And for providing for the Removal or Amendment of irregular and dangerous Buildings, be it enacted,

LXXXVIII. That if within *Four Days* after being served with any 15 Order of the Court of Metropolitan Buildings, as herein-before provided, any Person, being the Owner or Occupier of any dangerous Building, or dangerous Part or Appendage of a Building, fail to fulfil and perform the Directions in such Order contained, then and in every such Case every such Building, Part or Appendage, shall be deemed 20 to be a public Nuisance; and it shall be lawful for the District Surveyor and he is hereby authorized and required, by Summons in Writing, directed to the Builder, Owner, or Occupier of such Building, and served according to the Provisions of this Act, to summon such Builder, Owner, or Occupier before the said Court, at a Time and 25 Place in such Summons to be mentioned:

And if such Builder, Owner, or Occupier, as the Case may be, fail 30 to attend before such Court at the Time and Place mentioned in such Summons, then it shall be lawful for the Judge of the said Court and he is hereby authorized and required, upon Proof of the Delivery or Service of such Summons as aforesaid, to issue his Warrant to apprehend such Builder, Owner, or Occupier, as the Case may be, and to bring him before the said Court, at some Time or Place in the said Warrant to be mentioned.

LXXXIX. Upon such Builder, Owner, or Occupier appearing 35 before the said Court, in pursuance either of such Summons or of such Warrant, then such Builder, Owner, or Occupier shall enter into a Recognizance, in such a Sum as the said Court shall appoint, to amend, pull down, remove, demolish, or sufficiently repair, (as the Case may be,) within a convenient Time to be appointed by such Court, the 40 Building, Work, Part or Appendage, referred to in the said Order, and also to do and perform every other lawful Act, Matter, or Thing by the said Order directed to be done or performed, and also to pay all the Costs, Charges, and Expenses appointed in such Order to be paid 534. K by Party in default to enter into Recognizance to amend Irregularities; and to pay Costs.

by such Builder, Owner, or Occupier, and also the Costs, Charges, and Expenses attending the Proceedings before the said Court.

Judge to commit, on Failure to enter into Recognizance.

XC. If such Builder, Owner, or Occupier shall refuse or neglect to enter into such Recognizance as aforesaid, then it shall be lawful for the said Judge and he is hereby authorized and required to commit 5 such Builder, Owner, or Occupier to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have entered into such Recognizance as aforesaid, or until such Building or Work shall have been pulled down, abated, or otherwise amended, and until all such Costs, Charges, and Expenses shall have 10 been paid :

Recognizance to be forfeited, on Failure to perform Conditions thereof.

And if any Builder, Owner, or Occupier who shall have entered into any Recognizance as aforesaid shall fail or neglect, within the Time appointed by such Court, to do and perform the several Acts, Matters, and Things conditioned to be performed in such Recogni- 15 zance, then such Recognizance shall become forfeited, and the Sum therein mentioned shall be levied, recovered, and estreated in manner herein-after provided.

District Surveyor may apply for Abatement of Nuisance, in case Directions of the Court have not been fulfilled ;

whether Proceedings for taking or enforcing Recognizance be taken or not.

XCI. At any Time after it shall have been directed by any Order of the said Court made by virtue of the Provisions of this Act that any 20 Building which has been built or rebuilt, or to or in which any Addition, Alteration, or other Work or Operation shall have been done or executed, contrary to the Rules and Directions of this Act, or in which any Work or Thing required by this Act has been omitted to be done, shall be amended, pulled down, or removed, or that any dan- 25 gerous Building, or any dangerous Part or Appendage of any Building, shall be pulled down, demolished, or sufficiently repaired, then and in every such Case it shall be lawful for the District Surveyor (whether any Proceedings for taking any Recognizance of the Builder, Owner, or Occupier of such Building, or any Proceedings for enforcing any 30 such Recognizance, have been taken or not,) to make Application to the said Court for the Abatement or Removal of any such Building, Work, Part or Appendage.

Upon Production of Order, and Proof of Service thereof, and that Irregularity has not been amended, Judge to issue Warrant directed to Lord Mayor,

XCII. And upon Proof of such Order, and that a Copy thereof has been served upon the Builder, Owner, or Occupier of such Building, as 35 the Case may be, and that such Building, Work, Part or Appendage, has not been pulled down, removed, demolished, or sufficiently amended or repaired, pursuant to the Directions in such Order contained, it shall be lawful for the Judge of the said Court and he is hereby authorized and required to issue his Warrant, directed, if such Building 40 be within the City of London, then to the Lord Mayor of such City, or if the same be situate elsewhere than in the said City, and be within the

the local Jurisdiction of any Commissioners of Pavements, then to the Surveyor of Pavements, or if the same be situate elsewhere than in the said City, and be not within the Jurisdiction of any local Commissioners of Pavements, then to the Overseers of the Poor of the Parish within  
 5 which such Building or Premises is or are situate, and authorizing such Lord Mayor, Surveyor of Pavements, or Overseers (as the Case may be), to pull down, remove, or demolish such Building, Work, Part or Appendage, or such Part thereof as may be contrary to the Rules and Directions of this Act, or which may be dangerous as aforesaid.

Surveyor of Pavements,  
 or Overseers,  
 authorizing Abatement of Nuisance.

10 XCIII. And with all convenient Speed after the Receipt of such Warrant it shall be the Duty of such Lord Mayor, Surveyor of Pavements, or Overseers, (as the Case may be,) and they are hereby respectively authorized and required, to cause such Building, Work, Part or Appendage, or such Part thereof as may be contrary to the  
 15 Rules and Directions of this Act, to be pulled down, removed, or demolished, pursuant to the said Warrant; and the reasonable Costs and Expenses of pulling down, removing, or demolishing any Building, Work, Part or Appendage, and also the Costs and Expenses of shoring up, hoarding in, or otherwise making secure the same, if the same  
 20 shall have been shored up, hoarded in, or otherwise made secure, under the Provisions herein-before enacted, and also the Fees and Expenses of the Surveyor, and of any Proceedings by or before the said Court, and any other Costs and Expenses incurred under this Act in relation to such Building, Work, Part or Appendage, shall in  
 25 the first instance be paid and advanced, if such Building be within the City of London, then by the Lord Mayor and Aldermen of such City, out of the Cash in the Chamber of London, and if the same be situate elsewhere than in the said City, and shall be within the local Jurisdiction of any Commissioners of Pavements, then by such Commissioners,  
 30 out of the Monies in their Hands for the Purposes of their Commission, and if the same be situate elsewhere than in the said City, and be not within the local Jurisdiction of any Commissioners of Pavements, then by the Overseers of the Poor, out of any Monies raised or to be raised for the Relief of the Poor of the Parish within which such Building  
 35 or such Premises is or are situate; and it shall be lawful for such Lord Mayor and Aldermen, Commissioners of Pavements, or Overseers respectively to charge such Costs and Expenses to and in any Accounts of such Monies respectively.

Lord Mayor, Surveyor of Pavements, or Overseers to abate Nuisance.

Costs of Abatement, and of shoring up and hoarding in any dangerous Building,

and other Costs, to be paid in the first instance by Lord Mayor and Aldermen,

or Commissioners of Pavements, or Overseers,

and to be charged.

XCIV. And when any Building, Work, Part or Appendage, shall  
 40 have been pulled down, removed, or demolished, under the Authority of the said Court, by the Lord Mayor, Surveyor of Pavements, or Overseers of the Poor, as aforesaid, it shall be lawful for such Lord Mayor and the Aldermen of the City of London, or the Commissioners

On Abatement of Nuisance, Materials to be sold;

of Pavements, or such Overseers of the Poor, (as the Case may be,) and they are respectively hereby authorized, to sell and dispose, either by public Auction or private Contract, of the Materials of such Building, Work, Part or Appendage; and out of the Monies arising from such Sale to pay the Expenses incidental to such Sale, and to repay and refund all the Costs and Expenses which they are respectively herein-before authorized or required to pay and advance in the first instance :

And if there be any Surplus of the Monies arising from such Sale, after such Repayment, it shall be the Duty of such Lord Mayor and Aldermen, Commissioners of Pavements, or Overseers, (as the Case may be,) to pay such Surplus, if the same be demanded within Six Years thence next ensuing, to the Owner of such Building, Work, Part, or Appendage; and until such Demand shall be made, or in default of the same being made within the *Six* Years aforesaid, such Surplus, if the same be in the Hands of the said Lord Mayor and Aldermen, shall be paid to the Chamberlain of the City of London, and be added to the Monies in the Chamber of the said City, and if the same be in the Hands of the Commissioners of Pavements shall be added by them to the Monies in their Hands for the Purposes of their Commission, and if the same be in the Hands of the Overseers of the Poor shall be added by them to the Monies raised by Rates for the Relief of the Poor.

XCV. And if the Monies arising from such Sale as aforesaid be insufficient for paying and refunding all the Costs and Expenses herein-before authorized to be paid or refunded, or where no such Sale shall be made, or where the Building, Work, Part or Appendage, shall not be pulled down, removed, or demolished, by the said Lord Mayor, Surveyor of Pavements, or Overseers, then and in any of the said Cases respectively it shall be lawful for the said Lord Mayor and Aldermen, and the Commissioners of Pavements, and Overseers of the Poor respectively, and they are hereby authorized, to recover the Amount of such Deficiency, or the Amount of any Costs and Expenses which may have been paid and advanced by them, under the Provisions herein-before contained, from the Owner of such Building, Work, Part or Appendage, or other the Person bound by Law or Contract to maintain or uphold the same, or the Builder or other Person by whom or under whose Direction the irregular or dangerous Condition of such Building, Work, Part or Appendage, shall have been caused; and if on Demand such Owner, Builder, or other Person shall not pay such Deficiency, or such Costs and Expenses, then it shall be lawful for such Lord Mayor and Aldermen, Commissioners of Pavements, or Overseers of the Poor, (as the Case may be,) to make Application to the said Court of Metropolitan Buildings, and thereupon

thereupon it shall be lawful for the Judge of the said Court and he is hereby authorized and required to cause the Amount of such Deficiency, or of such Costs and Expenses, to be levied by Distress and Sale of the Goods and Chattels of such Owner, Builder, or other  
 5 Person, together with the Costs and Expenses of such Distress and Sale, in the Manner directed by this Act; and if such Owner, Builder, or other Person shall not be known, or cannot be found, or if no sufficient Distress of his Goods and Chattels can be found within the local Limits of this Act, then the Occupier for the Time being of such  
 10 Building, or of the Premises on which such Building, Work, Part or Appendage, is or shall have been situate, done, or executed on, shall pay to such Lord Mayor and Aldermen, Commissioners of Pavements, or Overseers of the Poor, such Deficiency, or the Amount of such Costs and Expenses, (as the Case may be,) out of the Rent (if any)  
 15 then in arrear in respect of such Building or Premises, or out of any Rent subsequently accruing due; and if such Occupier neglect or refuse to pay such Charges, or such Part thereof as aforesaid, to the Extent of the Rent due, and from Time to Time falling due, it shall be lawful for the said Judge to cause the same to be levied by Distress  
 20 and Sale of the Goods and Chattels of such Occupier, together with the Costs of such Distress and Sale :

or if Owner cannot be found, or Distress cannot be had, to be paid by Occupier;

and if Occupier refuse, to be levied.

And the Receipt of the Lord Mayor, Commissioners of Pavements, or Overseers, as the Case may be, for such Sums so paid as aforesaid, shall be a sufficient Discharge to such Occupier for so much  
 25 of such Rent as such Sums shall amount to; and it shall be lawful for any Occupier by whom Money shall have been paid as aforesaid to deduct or set off the Amount so paid from or against any Claim to be made by the Owner for Payment of the Rent or Rents out of which such Money is hereby made payable.

Receipt to be sufficient Discharge for Rent.

30 XCVI. And if any Costs or Expenses properly incurred in amending, removing, or causing to be amended or removed, in pursuance of the Provisions of this Act, any irregular Building or Work, be paid by or recovered from any Occupier, Owner, or other Person, not being the Person by whom such Irregularity was made or caused to be  
 35 made, or not privy to the Commission of such Irregularity, then such Occupier, Owner, or other Person shall be entitled, upon Application to the said Court of Metropolitan Buildings, to recover the full Amount of such Costs and Expenses, together with the Costs and Expenses of recovering the same, from the Builder, Owner, or other  
 40 Person by whose Act or Default, or under whose Direction, or with whose Privity, such Irregularity was made or caused to be made; and if any such Costs and Expenses shall relate to the securing, Amendment, or Removal of any dangerous Building, or any dangerous Part or Appendage of any Building, and such Danger shall not

Costs paid by Party not liable to be recoverable by Party in default.



have been caused by the Act of the Occupier, Owner, or other Person by whom such Costs and Expenses shall have been paid as aforesaid, then such Occupier, Owner, or other Person, upon Application to the said Court as aforesaid, shall be entitled to recover such Costs and Expenses, together with the Costs and Expenses of recovering the same, from the Person (if any) causing such Danger, or from the Owner or other Person bound or liable by any Law or Contract to maintain or uphold such Building, Part or Appendage. 5

And for further securing the due Observance of the Provisions of this Act, be it enacted, 10

Builder or  
Party in de-  
fault to be  
fined for Ir-  
regularity.

XCVII. That if any Building be built or rebuilt, or any Addition, Alteration, or other Work or Operation affected by the Provisions of this Act be executed, contrary to any of the Rules and Directions of this Act, or contrary to any Order of the Court made by virtue of the Provisions of this Act, then the Builder or other Person who shall have been engaged in building or rebuilding such Building, or in the Execution of such Addition, Alteration, or other Work or Operation, or who shall knowingly have caused the same to be done, shall be liable, in the Discretion of the Judge of the said Court, to forfeit for every such Offence a Sum not exceeding *Twenty Pounds*. 15 20

*Adjoining  
Properties,  
&c.*

And for protecting the Interests of the Owners of adjoining Premises, and facilitating the Execution of various Works in relation to adjoining Premises, by any Owner desirous or bound to execute the same (who is herein denominated the Building Owner), be it enacted, 25

Building  
Owner may  
execute cer-  
tain Works  
on Party  
Structures,  
subject to  
Consent of  
Adjoining  
Owner, or  
Order in  
default of  
Consent.

XCVIII. That if the Consent in Writing of the Owner of the adjoining Premises (who is herein denominated the Adjoining Owner), being competent to give such Consent, and the Consent in Writing of any Occupier of such adjoining Premises (not being an Owner within the Meaning of this Act), be obtained, or, in the Absence of such Consent, if the Works be authorized by an Order of the Court made by virtue of the Provisions of this Act, it shall be lawful for the Building Owner, subject to the several Conditions and Provisions, Rules and Directions, in this Act contained, to execute the following Works; that is to say, 30 35

Reparation.

To repair or make good any Party Structure which is defective or out of repair;

Pulling down  
where de-  
fective.

To pull down any Party Structure which is of improper Materials, or so far defective or out of repair as to render it necessary to pull down the same; 40

Pulling down  
where of  
insufficient  
Thickness.  
Rebuilding.

To pull down any Party Structure which is of insufficient Thickness for any Building intended to be built;  
To rebuild any Party Structure;

To

- To raise any Party Wall which is by this Act allowed to be raised ; Raising Party Walls.
- To cut into any Party Structure ; Cutting into.
- 5 To cut away any Footing which projects from any Party Wall in order to erect an external Wall against such Party Wall ; Cutting away.
- To cut away any Chimney Breast which projects from any Party Wall ;
- To underpin any Party Wall, or the Wall of any adjoining Building, where it shall be necessary in consequence of any Excavation to Underpinning.
- 10 be made near thereto, or for other Reasons ;
- To pull down any Timber Partition or Partitions between any Buildings, together with any Walls under or over such Partitions, for the Purpose of building a Party Wall in lieu thereof, and to build such Party Wall ; Pulling down Timber Partitions.
- 15 To pull down Buildings having Rooms or Stories the Property of different Owners, lying intermixed, for the Purpose of building proper Party Structures, or to pull down such Parts thereof as shall be necessary for that Purpose, and to build such Party Structures ; Pulling down intermixed Buildings.
- 20 To pull down Buildings or Parts thereof built over public Ways, or over Passages in other Occupation, for the Purpose of making Fire-proof Floors or Arches, and to build such Fire-proof Floors or Arches ; Pulling down Buildings built over public Ways.
- 25 To cut away or take down, as the Case may require, such Parts of any Wall or Building of an Adjoining Owner as shall be necessary, in consequence of such Wall or Building overhanging the Ground of the Building Owner, in order to erect an upright Wall against the same ; Cutting away overhanging Parts of Walls or Buildings.
- 30 And to perform any other necessary Works incident to the Connexion of Party Structures with the Premises adjoining thereto. Other necessary Works.

XCIX. And for declaring the Rights of the respective Owners of adjoining Premises with respect to the Site of Party Structures dividing such Premises, and with respect to other Matters, be it enacted,

- 35 That if any Party Wall be built to divide Two Buildings, and the Thickness of the Party Wall required for One of such Buildings be in the Ground Story thereof greater than the Thickness of the Party Wall required for the other of such Buildings, then it shall be the Duty
- 40 of the Building Owner to build such Wall so that One Half of the Thickness required for the Building which requires the less Thickness shall stand on the Ground of each of the Owners, and the whole of the additional Thickness required for the other Building shall stand on the Ground of the Owner thereof ; but if the Thickness requisite for the
- Party Walls are to be built on Line of Junction ; if requisite Thickness is not same for both Buildings, then with greater Thickness on Side of Building requiring it ; if requisite
- 534.

Thickness is same for both Buildings, then equally on each Side.

Compensation to be paid if Premises be unduly lessened.

Compensation to be paid in case of subsequent Alterations.

Party Structures not vertical or reasonably straight may be altered on rebuilding.

Compensation to be paid for the lessening of either Premises.

Expense of Works necessary to retain

Party Wall for each of such Buildings be the same in the Ground Story thereof, then it shall be the Duty of the Building Owner to build the same so as to stand equally on the Ground of each of the Owners :

Provided always, that if by reason of the Difference of the Thickness necessary for any Party Wall in any Story above or below the Ground Story the Building of One of the Owners would be lessened in an undue Proportion by so building such Wall as last aforesaid, then it shall be the Duty of the Building Owner so to build such Wall on the Line of Junction of the adjoining Properties as the District Surveyor shall direct, subject to any Order of the Court of Metropolitan Buildings in that Behalf :

Provided also, that if any Party Wall has been built so as to stand upon the Ground of One of the Owners to a greater Extent than upon the Ground of the other of the Owners, and if the last-mentioned Owner build, alter, enlarge, or raise any Building against such Party Wall, by reason of which such Party Wall ought to stand upon his own Ground to a greater Extent than it was originally built, then it shall be the Duty of such last-mentioned Owner to pay to the first-mentioned Owner such Sum of Money as the said Court shall determine to be a sufficient Compensation for the Ground occupied by that Portion of the Party Wall which ought not to stand upon the Ground of the first-mentioned Owner.

C. If, in consequence of Premises being intermixed, or in consequence of a Party Structure not being carried up vertically or not being reasonably straight on Plan, or for other Reasons, a Party Wall or other Party Structure cannot be built or rebuilt with a due Regard to the Purposes of this Act, or to the Advantage of the respective Owners of the Premises parted thereby, without taking from the Premises of One of such Owners some Part of the Soil or Ground or other Parts of such Premises, and adding the same to the Premises of the other of such Owners, then it shall be lawful for the Building Owner to build such Party Wall or other Party Structure as nearly as possible on the original Line of Junction of the Premises, so that such Party Wall shall be vertical and reasonably straight as aforesaid; and it shall be the Duty of the Building Owner or Adjoining Owner, as the Case may be, to pay to the other such Sum of Money as the said Court shall adjudge to be a reasonable Compensation for the lessening of either of such Premises by such Party Wall or other Party Structure.

CI. If any Party Wall has any Opening therein, or if there be any Easement enjoyed by either of the Owners of the Premises parted by any Party Structure, which Opening or Easement cannot be retained when

when such Party Wall or other Party Structure is rebuilt, unless some Expedient be adopted involving additional Expense, then such additional Expense shall be borne by the Owner for whose Use such Opening or Easement shall be retained; or if such Party Wall or other Party Structure be rebuilt without such Opening or Easement, the other Owner shall pay to the Owner to whom such Opening or Easement belonged such Compensation as the said Court shall adjudge to be reasonable, having regard to the Increase and Decrease in the Value of the respective Premises occasioned by reason of the Removal of such Opening or Easement.

Openings and Easements to be borne by Owner enjoying the same.

Compensation to be paid in respect thereof.

CII. If any Party Wall or other Party Structure be to be built, rebuilt, or raised, and if, Fourteen Days before the Time at which such Work is to be commenced, the Adjoining Owner shall by Writing under his Hand require that the same be built of additional Thickness, or that certain Chimney Jambs, Breasts, and Flues, or certain Piers or Recesses, be built therein, or that the Foundations be laid at a certain Depth, or that other Works be executed for the Convenience of such Adjoining Owner, and shall by sufficient Drawings or Descriptions specify the same and the Position thereof, then it shall be the Duty of the Building Owner, in such building, rebuilding, or raising, to conform to such Requirements, so far as the same are practicable, and in conformity with the Provisions, Rules, and Directions of this Act, subject nevertheless, in all Cases, to the Order and Control of the Court of Metropolitan Buildings.

Additional Works to be executed, if required by Adjoining Owner.

And for the Purpose of declaring the Rights of the respective Owners of adjoining Premises in respect of the Costs of Works done in relation to Party Structures separating such Premises, and in respect of Compensation for Loss, Damage, or Injury occasioned by such Works, be it enacted,

CIII. That if a Party Structure which is of proper Materials, and sound, or not so far defective or out of repair as to render it necessary to take down the same, be taken down and rebuilt, it shall be the Duty of the Building Owner, at his own Costs and Charges, to reinstate and make good all the internal Finishings and Decorations, and other Parts of the adjoining Premises damaged thereby, and to pay all the Expenses of such pulling down and rebuilding, and all the Fees, Charges, and Expenses incidental thereto.

Where a sound Party Structure is rebuilt Building Owner to make good adjoining Premises, and to pay Expenses.

CIV. If any Party Structure, or any Part thereof which is of improper Materials, or so far defective or out of repair as to render it necessary to take down the same, be taken down and rebuilt, and also if any Timber Partition or Partitions, whether sound or unsound, parting Two or more Buildings, or any Wall or Walls over any such

Where a Party Structure requiring to be taken down is rebuilt, Adjoining

Owner to  
pay Part of  
Expense.

Partitions, be taken down, and a Party Wall or other Party Structure be built in lieu thereof, then it shall be the Duty of the Adjoining Owner in any such Case to pay to the Building Owner the Expense of a due Proportion of so much of the new Party Wall or other Party Structure as shall be used by him, having regard to the 5 Thicknesses required for the respective Buildings parted thereby, and also a proportionate Part of all Expenses incidental to such pulling down and rebuilding, Deduction being made of a due Proportion of the Value of the old Materials.

Where a  
Party Struc-  
ture is re-  
paired,  
Adjoining  
Owner to  
pay Part of  
Expense.

CV. If any Party Structure which is defective or out of repair 10 be made good or repaired, it shall be the Duty of the Adjoining Owner to pay a due Proportion of the Expense of such Reparation, and of the Expenses incidental thereto, having regard to the Proportion of that Part of the Structure requiring Repair which is used by the Adjoining Owner. 15

Where  
intermixed  
Buildings  
are rebuilt  
with proper  
Party Struc-  
tures, Ad-  
joining  
Owner to  
pay Part of  
Expense.

CVI. If any Building or Buildings, or any Part thereof, having Rooms or Stories the Property of different Persons, or occupied by different Persons, which Rooms or Stories are not separated from each other as required by this Act, or are separated from each other by any Structure so far defective or out of repair as to render it necessary 20 to pull down the same, be taken down, and rebuilt with proper Party Structures, or if any Building or Part thereof built over any Way or Passage in other Occupation, be taken down for the Purpose of making Fire-proof Floors or Arches, it shall be the Duty of the Adjoining Owner to pay to the Building Owner a due Proportion of 25 the Expenses of such Works and of the Expenses incidental thereto, Deduction being made for a due Proportion of the Value of the old Materials.

Where a  
Party Wall  
is raised,  
Building  
Owner to  
make good,  
and to  
carry up  
Chimneys.

CVII. If any Party Wall, or External Wall built against any Party Wall or other External Wall, be raised, it shall be the Duty of the 30 Building Owner, at his own Costs and Charges, to make good all Damage occasioned thereby to the adjoining Premises, and also to carry up to the requisite Height all Flues and Chimney Stacks belonging to the Adjoining Owner in or against such Party Wall or External Wall. 35

Where a  
Party Wall  
is cut into,  
or Projec-  
tions cut  
away, Build-  
ing Owner to  
make good  
the same.

CVIII. If any Party Wall be cut into, or if, for the Purpose of building an External Wall against any sound Party Wall, or for other Purposes, any projecting Chimney Breasts, Jambs, or Flues in any Party Wall, or any projecting Footing of any Party Wall or External Wall of an adjoining Building, be cut away, it shall be the Duty of 40 the Building Owner, at his own Costs and Charges, to make good the the

the same, with good sound Stock Bricks and Tiles, or Slates bedded in Cement, or other proper and sufficient Materials, and also to make good all Damage occasioned to the adjoining Premises by such Operation.

- 5 CIX. If any Excavation be made against or near to any Party Wall or Party Fence Wall, or the Wall of any adjoining Building, for the Purpose of building an External Wall against the same, or if for any Purpose it be necessary to underpin any such Wall, it shall be the Duty of the Building Owner, at his own Costs and  
 10 Charges, to shore up such Wall, and to underpin such Wall of a Thickness at the least equal to the full Thickness thereof, and of the full Depth of the Excavation, and with proper Footings, and if such Wall shall not be of the full Thickness required by this Act, then of the full Thickness required by this Act, and with good sound Stock  
 15 Bricks and Tiles, or Slates bedded in Cement, or other proper and sufficient Materials, and in a workmanlike and substantial Manner, and to make good all Damage occasioned to such Wall and to other Parts of the adjoining Premises by such Operations.

Where a Wall is underpinned, Building Owner to execute the same in a proper Manner, and to make good all Damage.

- CX. If any Party Structure, or Part thereof, which has been  
 20 built, rebuilt, or raised by any Building Owner at his own Costs and Charges, be thereafter used by the Adjoining Owner, by building against it or otherwise, then it shall be the Duty of such Adjoining Owner to pay to the Building Owner a due Proportion of the Expenses of building, rebuilding, or raising such Part thereof as is  
 25 so used, and of the Expenses incidental to such building, rebuilding, or raising.

Where a Party Structure be afterwards used by Adjoining Owner, he is to pay Part of the Expense.

- CXI. If, in pursuance of a Requisition in Writing by the Adjoining Owner, any Chimney Jambs, Chimney Breasts, and Flues have been built with any Party Wall or other Party Structure, or if any Party  
 30 Wall or other Party Structure have been built of greater Thickness than is by this Act required, or if upon such Requisition as aforesaid other Expenses have been incurred in the Execution of any such Work beyond the Expense which would be necessary to comply with all the Requirements of this Act, then and in every such Case it shall  
 35 be the Duty of the Adjoining Owner to pay to the Building Owner the Amount of any Expense incurred in the Execution of such Work, in accordance with such Requisition, beyond the Expense of building a Party Wall or Party Structure which would have been otherwise sufficient.

Where additional Works have been required by Adjoining Owner, he is to pay the Expense thereof.

- 40 CXII. And if any Party Structure shall have been so damaged by any Act or Default of the Owner of One of the Premises parted  
 534. thereby,

Where any Party Structure has been damaged, the

Owner in  
default to  
pay for the  
necessary  
Works, or a  
proper Por-  
tion thereof.

thereby, and without Default on the Part of the Owner of the other of such Premises, as to render it necessary to pull down and rebuild or to repair the same, or to perform any other Operation thereto, then the Expenses of every such Operation, or so much thereof as the Court of Metropolitan Buildings shall adjudge to be reasonable, shall 5 be borne by the Owner by whose Act or Default such Damage has been occasioned.

Compensa-  
tion to be  
paid for Loss  
occasioned  
to Adjoining  
Owner.

CXIII. If, in the Execution of any Works which are by this Act authorized to be done by a Building Owner at his own Costs and Charges, any Loss, Damage, or Injury be done or occasioned to the 10 Adjoining Owner, such Adjoining Owner shall be entitled to such Compensation, to be paid by the Building Owner, as the said Court shall adjudge to be reasonable.

Compensa-  
tion to be  
paid for Loss  
occasioned to  
Occupier of  
adjoining  
Premises.

CXIV. If, in the Execution of any Works which are by this Act authorized or required to be done by any Building Owner, any 15 Loss, Damage, or Injury be done or occasioned to any Occupier of the adjoining Premises, not being the Owner thereof, such Occupier shall be entitled to such Compensation as the said Court shall adjudge to be reasonable, and the same shall be deemed to be an Expense incidental to the Execution of such Works, and shall be 20 paid by and recoverable from the Building Owner or Adjoining Owner, or both, in the Proportion in which they are respectively liable for the Expenses of such Works.

And for the Purpose of regulating the Rights of the respective Owners of adjoining Premises with respect to the Time of Com- 25 mencement of Works affecting Party Structures separating such Premises, and other Matters, be it enacted,

Building  
Owner (un-  
less autho-  
rized) not to  
commence  
Works with-  
in Three  
Months after  
Consent  
given or  
Order made  
where adjoin-  
ing Building  
would be  
laid open or  
entered,

CXV. That, except in case of the Consent in Writing of the Adjoining Owner and of the Occupier of the adjoining Premises, if any, not being the Owner, and except in Cases where, the Works 30 having been authorized by an Order of the Court made by virtue of this Act, it shall have been otherwise specially determined, the pulling down of any Party Structure, or of any intermixed Building or Timber Partition, or any other Operation or Work, during the Ex- ecution of which it shall be necessary to lay open or enter into the 35 Building of such Adjoining Owner, shall not be commenced until the Expiration of *Three Months* after the Matter shall have been referred to the Court as by this Act provided in the Absence of such Consent :

or within  
One Month  
where adjoin-  
ing Building  
would not be

And that, except in the Case of Consent or special Determination of 40 the Court as aforesaid, the Reparation of any Party Structure, or the raising of any Party Wall, or other Operation or Work, during the Execution

Execution of which it shall not be necessary to lay open or enter into any Building of the Adjoining Owner, shall not be commenced until the Expiration of *One Month* after making such Reference as aforesaid.

- 5 CXVI. When any Work shall have been authorized by or under the Provisions of this Act, the Building Owner shall proceed in the Execution of such Work until the Completion thereof, with all reasonable Despatch and Diligence; and in case he shall neglect so to do it shall be lawful for the Adjoining Owner to execute or com-  
 10 plete such Work, and all Matters and Things incidental thereto, and in such Case the Adjoining Owner so executing such Work shall have such and the like Remedies for the Costs, Charges, and Expenses thereof, or for such Part of the Costs, Charges, and Expenses thereof as is to be borne by the Building Owner, as are hereby given to the  
 15 Building Owner for the Recovery of any Costs, Charges, and Expenses incurred by him.

- CXVII. Before any Owner shall proceed to take down any Wall or Building abutting upon the Building of any Adjoining Owner, or to make any Excavation in his own Ground so as to affect the Stability  
 20 of such Building of the Adjoining Owner or any Part thereof, such Building Owner shall give Ten Days Notice to such Adjoining Owner of such his Intention, and if before the Expiration of such Notice the Adjoining Owner do not cause his Building to be securely shored it shall be lawful for the Building Owner so to do, and until  
 25 such Building be so securely shored, either by the Adjoining Owner or the Building Owner, it shall not be lawful for the Building Owner to take down his Wall or Building or to make such Excavation: Provided always, that if the Adjoining Owner refuse to allow the necessary Shoring to be put up, or remove such Shores after they have  
 30 been put up, then, notwithstanding that such Building remains unshored, the Building Owner may proceed to take down his Building or Wall or to make such Excavation as aforesaid; and if such Shoring have been done by the Building Owner, in any Case in which the Building Owner be not required by Law to do the same at his  
 35 own Costs and Charges, then the Expense of such Shoring shall be borne and paid by the Adjoining Owner.

- CXVIII. If any Person be desirous of erecting a Building adjoining to any vacant Ground, or Ground not hitherto built upon, belonging to another Person, and of building a Party Wall for such Building  
 40 upon the Line of Junction of the adjoining Premises where no Party Structure has before existed, he shall be authorized to give One Month's



Building Owner may place Footing of External Wall on Adjoining Owner's Ground, subject to certain Restrictions.

Month's Notice in Writing of such his Desire to the Adjoining Owner, describing in such Notice the Thicknesses and Dimensions of the Party Wall which he proposes to build ; and if within such Period of One Month the Adjoining Owner do not signify his Consent in Writing to the Erection of such Party Wall, it shall be lawful for the Building Owner, and he is hereby entitled, if he build an External Wall to his said Building, to place the Footing of such Wall, and any concrete Foundation for the same, upon the Ground of the Adjoining Owner, so that the Face of such Wall above such Footing do not in any Part extend beyond the Line of Junction of the said Premises, and so that such Footing do not project into the Ground of the Adjoining Owner to a greater Extent than the Projection by this Act required for the Footing of such Wall on One Side thereof, and so that the Top of such Footing be at the least One Foot below the Level of such adjoining Ground ; and it shall not be lawful for the Adjoining Owner at any subsequent Time to cut away such Footing or any Part thereof, except for the Purpose of building an External Wall the Face of which shall be in actual Contact with the Face of such other External Wall.

Adjoining Owner not to cut away such Footing.

And whereas by this Act certain Widths are prescribed for Streets and Alleys, and certain Regulations are made relative to the Distances of Buildings from the opposite Side, or from the Centre of such Streets or Alleys, and in certain Cases Injury might be done to the Owner of Ground not yet built upon by the Erection of Buildings or the Formation of public Ways near to or adjoining such Ground : Be it enacted,

Notice to be given to Owner of vacant Ground before forming Streets or executing Works affecting his Interests.

CXIX. That before any Person shall begin to form any Street or Alley, or to erect any Building, or to execute any other Work by which the Interests of the Owner of any Ground not yet built upon will or may in the Opinion of the District Surveyor be injuriously affected, having reference to the Rules of this Act in respect of Streets and Alleys, such Person shall give to such Owner *One Month's* Notice in Writing, accompanied with a sufficient Description and Drawing in explanation of the proposed Work ; and if the Parties cannot agree, or if within such Period of *One Month* such Owner do not signify his Consent thereto, then the Matter shall be referred to the Court of Metropolitan Buildings ; and it shall be lawful for the said Court by their Order to direct in what Manner, and subject to what Terms, Qualifications, and Restrictions, the proposed Work may be executed, regard being had to the Interests of the respective Parties and the Circumstances of the Case, and without such Consent or Order as aforesaid it shall not be lawful to commence or execute any such Work ; and any Person in such Case offending against the Provisions

If Consent be not given the Court shall determine between the Parties.

Provisions of this Act shall be liable to a Penalty of *Fifty Pounds*, to be recovered by Action in any of the Superior Courts.

CXX. It shall be lawful for any Party to any Contract or Agreement now in force for erecting or altering any Building, and he is hereby authorized and empowered, to deviate from such Contract, so far as the Works therein contracted for may be such as cannot be executed in conformity with any of the Provisions, Rules, and Directions of this Act, and the Alterations rendered necessary by this Act shall be performed and take effect as if this Act had been in force when such Contract was entered into; and the Difference between the Costs and Expenses of the Works when performed according to the Provisions of this Act, and the Costs and Expenses of the Works as stipulated for in such Contract shall be paid or adjusted between the Parties thereto, subject to the Determination of the Court of Metropolitan Buildings, as if the Works so executed in conformity with this Act, and such Difference of the Costs and Expenses, had formed Part of such Contract or Agreement :

Parties to Contracts may deviate therefrom, to conform to Act.

Works to be executed according to Act.

Difference of Cost to be paid as if in Contract.

And if any of the Provisions, Rules, or Directions of this Act shall prevent the due Observance of or be at variance with any Lease or Agreement for a Lease, being of the Nature of a Building Lease, whereby any Person may be bound to erect Buildings, then (subject to any Modification of the Rules or Directions of this Act which may be made in pursuance of the Provisions thereof in that Behalf) it shall be the Duty of such Person and he is hereby required to erect such Buildings according to the Rules and Directions of this Act; and on the Completion of such Works, if any Loss has resulted or may be expected to result to the Lessee or Tenant by such Observance of the Provisions of this Act as aforesaid, then it shall be the Duty of the Lessor or other Owner to make to the Lessee or Tenant such Compensation, either by Payment of Money or by Reduction of Rent or otherwise, as the said Court of Metropolitan Buildings shall adjudge to be fair and reasonable, having regard to the respective Interests of the Lessee or Tenant, and to the other Circumstances of the Case.

Lessees under Building Leases to conform to this Act.

Lessor to make good any Loss.

35 And for providing for the Settlement and Recovery of the Costs and Expenses in respect of Works executed under this Act, be it enacted,

*Expenses of Works.*

CXXI. That within *One Month* after the Completion of any Work or Operation which any Building Owner or any other Person is by this Act authorized or required to execute, and the Expense of which is in whole or in part to be borne by any Adjoining Owner

Account of Expenses of Works to be delivered to Adjoining Owner within One Month.

Contents of  
Account.

Account to  
be accom-  
panied with  
Notice of  
Right to  
appeal.

Adjoining  
Owner may  
appeal within  
One Month.  
Building  
Owner may  
demand  
Amount  
awarded at  
Time or  
Times ap-  
pointed.

Owner or any other Person, or in case of any Party Structure being used by the Adjoining Owner as aforesaid, then within *One Month* after the Building Owner shall have ascertained that the Party Structure is so used by the Adjoining Owner, such Building Owner or other Person shall deliver to the Adjoining Owner or other 5 Person by whom the Expense of such Work or Operation, in whole or in part, is to be borne, an Account in Writing of the Expenses of the Work; which Account shall contain a true Statement of the Number of Rods and fractional Parts of Rods of Brickwork, and of the Quantities of Digging, and of Concrete, Stone Work, and other 10 Materials, and of the Labour employed in executing so much of the Work as such Adjoining Owner or other Person shall be liable to pay for, specifying the Prices at which the same respectively are charged, and also a true Statement of all Expenses preliminary and incidental to such Work, including the reasonable Expense (if any) of shoring 15 any adjoining or other Building, and of removing any Goods, Furniture, or other Things thereon, and of pulling down any Wainscot or Partition thereof, and also the Fees of the District Surveyor, and any Fees or Costs which may have been made payable by any Order of the Court made by virtue of this Act, and shall also specify any 20 Deduction to which such Adjoining Owner or other Person may be entitled in respect of old Materials or in other respects; and every such Work as aforesaid shall be estimated and valued at fair average Rates and Prices, according to the Nature of the Work and the Locality, and the Market Price of Materials and Labour at the 25 Time; and together with such Account or annexed thereto such Building Owner or other Person shall also deliver to such Adjoining Owner or other Person as aforesaid a Memorandum in Writing containing an Intimation of the Right of such Adjoining Owner or other Person to refer, at any Time within *One Month* thereafter, such 30 Account, in the Manner herein-after next provided, to the Decision of the Court of Metropolitan Buildings.

CXXII. At any Time within *One Month* after the Delivery of such Account as aforesaid it shall be lawful for any Party dissatisfied therewith to refer such Account to the Decision of the said Court; 35 and upon any Order for Payment being made upon such Reference it shall be lawful for the Building Owner or other Person by whom such Account shall be claimed, at the Time or Times appointed by such Order, to demand the Amount declared thereby to be due, or if by such Order it be directed that the same be paid by Instalments, 40 then the Amount of any Instalments which may then be due, together with the Costs and Expenses of such Reference (if any), which may have been ordered by the Court to be paid by such Adjoining Owner or

or other Person ; and if within *One Month* after the Delivery of such Account as aforesaid to such Adjoining Owner or other Person such Adjoining Owner or other Person do not refer such Account as aforesaid to the Court, or if upon such Demand as last aforesaid the  
 5 Amount due, together with such Costs and Expenses, be not paid, then the same may be recovered in like Manner as any Sums of Money payable by Order of the said Court.

Building Owner may recover if no Appeal be made, or if Amount awarded be not paid on Demand.

CXXIII. Provided always, That until such Amount be so paid or recovered any Party Structure in respect of which such Amount shall  
 10 have been incurred, and also the Ground whereon such Party Structure stands, shall be vested by virtue of this Act in the Person at whose Expense the same shall have been built or such Works shall have been executed; and in all Cases such Amount shall be and remain a Charge upon the Premises in respect of which it shall have been  
 15 so incurred, and shall be recoverable, at any Time thereafter, from any Owner or Occupier of such Premises.

Party Structure to belong to Building Owner until paid for.

CXXIV. Provided also, That it shall not be lawful for any Building Owner or other Person to recover from any Adjoining Owner or other Person any Expenses incurred in the Execution of any Work  
 20 or Operation not in conformity to the Provisions, Rules, and Directions of this Act.

Building Owner not to recover for irregular Works.

CXXV. When any Money shall be due to any Building Owner by any Adjoining Owner, or to any Adjoining Owner by any Building Owner, for or on account of or in relation to any Works executed  
 25 under the Provisions of this Act, or any Damage or Compensation due in respect thereof, the Owner to whom such Money shall be so due shall be entitled to recover the same, together with the Expenses of such Recovery, under an Order of the Court of Metropolitan Buildings to be made in that Behalf, from the Person or Persons  
 30 liable to bear or pay the Expenses of such Works, or to pay such Damage or Compensation.

Expenses of Works may be recovered from Persons bound to pay for such Works.

CXXVI. In case the Owner of any Premises who shall be ultimately liable to pay such Money shall not be in the actual Occupation thereof, then the Owner to whom such Money shall be due as  
 35 aforesaid shall be entitled to receive from Time to Time, from any and every Occupier of such Premises, the Rents and Profits from Time to Time becoming due for the same, in or towards Payment or Satisfaction of his Demand, until the same shall be fully paid and satisfied, and for that Purpose to give Notice to any such Occupier  
 40 to pay to him such Rents and Profits; and if after such Notice any

Occupier to pay such Expenses out of Rent, if required.

Expenses  
may be re-  
covered from  
Occupier to  
the Extent  
of Rent due.

Landlord  
not to recover  
for Rent so  
paid.

Receipt to be  
a sufficient  
Discharge  
for Rent.

such Occupier fail to pay such Rents and Profits accordingly; it shall be lawful for the Person entitled to receive such Money from Time to Time to recover the same, or so much thereof as shall then remain due from any Occupier of the said Premises, to the Extent of the Rent due at the Time of giving such Notice, or from Time to Time thereafter accruing due, under the Powers by this Act provided; and after such Notice shall have been given the Person otherwise entitled to receive such Rents and Profits shall be disabled from bringing any Action; or making any Distress, or taking any other Proceedings against such Occupier, to recover the same, until the Money so due as aforesaid shall have been fully paid and satisfied; and the Receipt of the Person hereby entitled to receive such Money, as aforesaid shall be a sufficient Discharge to such Occupier for so much of the Rents and Profits of such Premises as he shall have paid pursuant to such Notice.

15

Monies paid  
by Persons  
not ultimate-  
ly or solely  
liable may  
be recovered  
from Persons  
bound by  
Law, Con-  
tract, or  
Covenant.

CXXVII. In case any Money shall have been paid to any Building Owner or to any Adjoining Owner under the Provisions of this Act, by any Person not ultimately liable to pay such Money or the whole Amount thereof, he shall be entitled to recover the Sums so paid, together with the Expenses of such Recovery, under an Order of the said Court to be made in that Behalf, from any Owner or other Person who by any Law, Contract, or Covenant then existing shall be liable to pay the Expenses of the Works in respect of which such Money shall be due, or any Part thereof; and the Owners or Persons so liable, if several in Number, shall be jointly and severally liable to the Person by whom such Money shall have been paid as aforesaid.

25

Expenses  
paid by Party  
holding  
under Lease  
or Agree-  
ment to be  
recovered  
from Lessor,  
subject to  
express Co-  
venant or  
Agreement;

CXXVIII. If any Person, being in the Possession or Occupation of any Premises, who shall under the Provisions of this Act have incurred any Expenses or paid any Monies in respect of any Works in relation to any Party Structure, shall hold such Premises under any Lease or Agreement for a Lease, other than such Lease as is herein-after mentioned, or other Agreement for the Occupation thereof, such Person shall be entitled to recover such Expenses or Monies, under an Order of the said Court of Metropolitan Buildings to be made in that Behalf, from the Lessor granting such Lease or making such Agreement, or from the Assignee of such Lessor, subject nevertheless to any express Covenant or Agreement in that Behalf:

35

but to be  
paid by  
Lessee where  
Lease is  
renewable  
for ever;

But if such Person hold such Premises under a Lease renewable for ever on a fixed Fine or other customary Payment, then such Expenses and Monies shall be chargeable upon and payable by the Lessee and not the Lessor, subject to any express Covenant, or Agreement

40

Agreement between the Lessor and Lessee, or between the Lessee and any Sub-Lessee holding under such Lessee.

subject to express Covenant or Agreement.

And for regulating Notices under this Act, and the Service thereof, be it enacted, That,

- 5 CXXIX. If any Notice under this Act be intended for the Owner of any Building, then it shall be given either by personally serving the same or by leaving the same with some Inmate at the last or usual Place of Abode of such Owner; provided that if such Owner be a married Female, not being a Cestuique Trust, then every Notice to such Owner under this Act shall be given to the Husband of such married Female, or if such Owner be an Infant, Lunatic, or Cestuique Trust, then such Notice shall be given to the Guardian, Committee, or Trustee of such Infant, Lunatic, or Cestuique Trust respectively; but in case such Owner, Husband, Guardian, or Committee or Trustee is not known or cannot be found, then such Notice shall be given to the Occupier of the Premises to which it shall relate, or if the Premises be unoccupied, then such Notice shall be affixed to some conspicuous Part thereof, at a Height of not more than Nine Feet from the Ground:
- 15
- 20 And if any Notice under this Act be intended for the Occupier of any Premises, then it shall be given either by personally serving the same or by leaving the same with some Inmate on the Premises, or in case the Premises be unoccupied it shall be affixed as aforesaid; and every such Notice, when so served or left as aforesaid in
- 25 the several Cases herein mentioned, shall have the same Effect as if given to the actual Owner or Occupier.

Notice to Owner to be served or left at Place of Abode.

Notices to be given to Husband, if Owner be married Female, and to Guardian, Trustee, or Committee, if Owner be Infant, Lunatic, or Cestuique Trust, or to Occupier, if Owner be not known.

Notice to Occupier to be served, left, or affixed on Premises.

- CXXX. If any Owner upon whom any Notice is required to be served be not residing or carrying on Business within the Limits of this Act, and have within the Limits of this Act some known Agent acting in his Behalf in respect of the Premises to which the Notice refers, then it shall be lawful to serve the Notice upon such Agent; but if such Owner not residing or carrying on Business within the Limits of this Act be not known to have any such Agent within the said Limits, then it shall be lawful to give Notice by Letter duly registered according to the Practice for the Time being adopted with regard to Letters transmitted by Post, but so that such Letter be posted in such Time as will afford to the Person addressed after the Receipt of such Letter the full Period of Notice required in such Case by this Act.
- 30
- 35

But Notice to Owners out of Limits of Act may be given by registered Letter.

- 40 CXXXI. In case the Person in the Occupation of any Premises in respect of which any Notice under this Act is to be given to the Owner
- 534.

Where Occupier is Tenant from Year to Year or

Tenant at Will, Notices to be given to immediate Landlord. Occupier to give Information as to his immediate Landlord.

Owners holding under another, and part Owners, to transmit Notice to immediate Landlord, or Person in receipt of Rents, or to other part Owners.

Owner thereof allege that he is a Tenant from Year to Year or for any less Term, or a Tenant at Will, and not the Owner thereof within the Intent and Meaning of this Act, then such Notice shall be given to the immediate Landlord of such Occupier; and it shall be the Duty of such Occupier, and he is hereby required, to inform any Person by whom such Notice is required to be given, or any other Person applying on his Behalf, of the Name, Place of Residence, or Place of Business of such Owner or Landlord, or of his Agent in respect of such Premises; and if the Owner or Landlord upon whom the Notice shall in that Case be served shall hold under any other Person, or shall not be in the Receipt of the whole of the Rents or Profits of such Premises, then immediately upon the Receipt thereof it shall be his Duty, and he is hereby required to transmit to his immediate Landlord or his Agent, and also to any other Person being part Owner of such Premises or in receipt of Part of the Rents or Profits thereof, or to the Agent of such Person, a Copy of such Notice, and in like Manner, in every Case successively, it shall be the Duty of every Landlord or other Person by whom such Notice shall be received to transmit it to his superior Landlord or to any other Person, being part Owner of any such Premises, or to the Agent of such Landlord or part Owner in any of such Cases respectively, to the Intent that every Person affected by the Work or Proceeding to which such Notice relates may have due Notice thereof.

Service of Notice on immediate Landlord of Occupier to be sufficient.

Owner failing to transmit Notice to be liable for Damages.

Notices so served to contain Copy of Enactment.

CXXXII. Provided always, That if any such Notice be served upon the immediate Landlord of the Occupier, or upon his Agent, by or on behalf of the Person by whom it is hereby required to be served in the first instance, then, although it may not be served by such immediate Landlord upon any other Landlord or Owner, such Service shall be deemed to be sufficient Service; but nevertheless, if any Owner suffer Damage by the Failure of any other Person, being either the Occupier or any Person holding under such Owner, to serve such Notice, then such Owner shall be entitled to recover the Amount thereof against such Person by whom such Damage shall have been occasioned; and every Notice served under this and the Two next preceding Sections on any Person shall contain or have appended thereto a Memorandum or Notice requiring him to transmit the same to his immediate Landlord, or to the Agent of such Landlord, as herein-before directed.

Consents to be given by Husband, if Owner be married Female, and by Guardian,

CXXXIII. In case any Owner or Occupier be a married Female, not being a Cestuique Trust, then any Consent by this Act required to be given by such Owner or Occupier may be given by the Husband of such married Female; and if such Owner or Occupier be an Infant, Lunatic, or Cestuique Trust, then such Consent may be given

given by the Guardian, Committee, or Trustee of such Infant, Lunatic, or Cestuique Trust; and if such Owner or Occupier, Husband, Trustee, Guardian, or Committee, be not known or cannot be found, then it shall be lawful for the Judge of the said Court of  
 5 Metropolitan Buildings, in his Discretion, to authorize the Act or Proceeding to be done for which such Consent was required, in such Manner and subject to such Regulations as he may deem expedient, having due Regard to the Interests of the Parties concerned, and to the Accomplishment of the Purposes of this Act.

Trustee, or Committee, if Owner be Infant, Lunatic, &c.  
 If Owners cannot be found, Judge to give Authority.

10 CXXXIV. The Service of any Notice, Summons, Order, or other Process of the said Court, and the Performance of any Act, Deed, Matter, or Thing which by this Act is required to be done by any District Surveyor or other Person, may be proved, as well upon Oath of the Witness in open Court as by Affidavit purporting to be sworn  
 15 before a Master Extraordinary in Chancery, or before any Person authorized by Law to take Affidavits, or at the Discretion of the Judge of the Court created by this Act, by the Declaration in Writing of the Person serving such Notice, or performing such Deed, Act, Matter, or Thing, or cognizant of his own Knowledge thereof;  
 20 and every such Declaration shall be made and subscribed under and according to the Provisions and subject to the Penalties of the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act for  
 " the more effectual Abolition of Oaths and Affirmations taken and  
 25 " made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of  
 " voluntary and extra-judicial Oaths, and to make other Provisions  
 " for the Abolition of unnecessary Oaths;" and the said Judge is hereby authorized to administer and receive such Declaration in lieu  
 30 of an Oath or Affirmation.

Service of Notices and other Matters how to be proved.

And for regulating the Entry upon Buildings and Premises by Officers and Persons acting under the Authority of this Act, be it enacted,

CXXXV. That at all Times during the customary working Hours,  
 35 and in all Cases whatsoever, it shall be lawful for the District Surveyor, Architectural Referee, Assistant Referee, Lord Mayor of London, Surveyor of Pavements, Overseers of the Poor, and other Officers acting under this Act, and for every Person attending upon or authorized by them respectively, and they and each of them are  
 40 hereby expressly empowered, to enter upon any Premises or into any Building on or in which any Work or Operation affected by the Rules and Directions of this Act shall be in progress, or shall be supposed

Officers acting under Act, and Persons authorized by them, may enter on Premises.



to be in progress, or shall have been completed, and also upon any Premises or into any Building in respect of which any Proceeding under this Act shall be pending, and also upon any Premises or into any Building which or any Part or Appendage of which shall by any Order of the Court made by virtue of this Act be determined to be 5 contrary to the Rules and Directions of this Act, or dangerous, as aforesaid, and there to survey and inspect such Premises or Building, and to execute and do upon such Premises and in such Building any Act or Thing which they are hereby authorized or required to do or which may be necessary to be done in order to the proper Execution 10 of this Act.

Building Owner, and Persons acting for him, with Servants and Workmen, may enter on Premises, subject to Consent or Order of the Court;

and may remove Fixtures and Goods where necessary :

And in case it shall be necessary for the Execution of any Works which shall have been authorized by or under the Provisions of this Act, either with the Consent of the Parties competent to give such Consent, or by any Order of the Court made by virtue of the Pro- 15 visions of this Act, it shall be lawful for the Building Owner or any Person acting on his Behalf, and for his Servants and Workmen, at any Time and from Time to Time until such Works are completed, between the Hours of Six in the Morning and Seven in the Evening (Sundays excepted), to enter on the Premises of the Adjoining Owner, 20 so far as shall be necessary for the due Execution of such Works, and there during the customary working Hours to abide and to do and execute the Works so authorized, and any other Act, Matter, or Thing necessary to the Execution of such Works ; and if any Fixtures, Goods, Furniture, or other Thing necessarily obstruct the 25 Execution of any Works which shall have been so authorized, or the pulling down or Removal of any Wall, Partition, or other Thing necessary to be pulled down and removed in order to the Execution of such Works, it shall be lawful for such Building Owner or other Person aforesaid to remove such Fixtures, Goods, Furniture, or other 30 Things to some other Part of the same Premises, or if there be not sufficient Room on such Premises, then to some other Place within a reasonable Distance, for safe Custody, doing no unnecessary Damage to the same.

Persons authorized to enter may force Entrance, accompanied by Peace Officer.

And if the District Surveyor, Architectural Referee, Assistant Re- 35 feree, Lord Mayor, Surveyor of Pavements, Overseers of the Poor, Building Owner, or any Officer, Servant, or other Person authorized as aforesaid, be unable to obtain Admission into such Premises or Building, or be obstructed in their Entrance, then it shall be lawful for them respectively, being accompanied by a Peace Officer, if the 40 outer or any inner Door of any Building be shut, and the Occupier or other Person therein (if any) refuse, on Demand, to open the same, or if such Building be empty or unoccupied, to break open such Door : And

And if any Person obstruct the District Surveyor, Architectural Referee, Assistant Referee, Lord Mayor, Surveyor of Pavements, Overseers of the Poor, Building Owner, or other Officer, Servant, or Person authorized as aforesaid in any Entry as aforesaid, or in doing  
 5 or executing any Act, Matter, or Thing hereby authorized to be done or executed, then the Person so offending shall, on Conviction, forfeit for every such Offence a Sum not exceeding *Twenty Pounds*.

Penalty for obstructing or refusing to assist in any Entry.

CXXXVI. If any Person shall commit any Offence against the Provisions of this Act for which no Proceeding is by this Act specially provided, it shall be lawful for any Person to proceed by  
 10 Complaint before any Justice of the Peace having Jurisdiction in the District or Place where such Offence shall have been committed, who shall thereupon take such Proceedings upon such Complaint as are provided and made applicable with respect to summary Convictions by Justices  
 15 of the Peace by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three.

Complaint may be made to any Justice as to any Offence not specially provided for.

CXXXVII. Provided always, That if in any Case in which any Penalty may be proceeded for before a Justice under the Provisions of this Act any Party be dissatisfied with the Decision of the Justice  
 20 therein, and if within *Four Days* after such Decision Notice be given by or on behalf of such Party to the Party by whom the Complaint was made of his Intention to appeal against such Decision, and of the Grounds of such intended Appeal, and if such Appellant enter into a Recognizance, with Two sufficient Sureties, conditioned to prosecute  
 25 such Appeal, and to abide the Order of the Court, and to pay to the Party Respondent such Costs (if any) as shall be awarded against him, then it shall be lawful for the Party so dissatisfied to appeal against such Conviction to the Justices of the Peace at the next practicable General Quarter Sessions of the Peace for the County wherein such  
 30 Conviction shall have taken place; and it shall be lawful for such Justices and they are hereby empowered to proceed to hear and examine into the Matters of such Appeal, and to finally determine the same; and the Provisions of the said Act of the Eleventh and Twelfth Year of Her present Majesty, Chapter Forty-three, with respect to  
 35 Costs and other Proceedings consequent on Appeals against summary Convictions by Justices, shall be applicable to such Case.

Parties dissatisfied may appeal to Quarter Sessions, on entering into Recognizance.

Justices to determine Matters of Appeal.

CXXXVIII. Provided always, That it shall not be lawful for any Person to commence any Prosecution or other Proceeding whatsoever in any Court in respect of any Penalty or Forfeiture under this Act  
 40 unless within *Twelve Months* after such Penalty or Forfeiture shall have been incurred.

Prosecutions for Penalties not to be commenced after Twelve Months.

Fees not to  
be recovered  
after Twelve  
Months.

CXXXIX. No Proceeding shall be had or taken for the levying or recovering of any Fees that may be due or payable to the Architectural Referee or to any District Surveyor, under the Provisions of this Act, unless within *Twelve* Months after the Delivery of an Account of such Fees, and tender of a Receipt to the Party liable to pay the same, 5 as herein-before provided.

Penalties not  
otherwise  
appropriated  
to go to the  
General  
Fund.

CXL. The Monies arising from any Penalties or Forfeitures which shall be sued or proceeded for under this Act, and not herein otherwise specially appropriated, shall from Time to Time be paid to the Clerk of the Court of Metropolitan Buildings, and shall be applied 10 in aid of the General Fund of the said Court.

Informality  
in Distress  
not to affect  
Proceedings.

CXLI. Where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser ab initio on account of any Defect, Want of Form, or 15 Irregularity in the Mode of distraining or in any of the Proceedings relating thereto, but if any Irregularity be committed the Person aggrieved thereby shall be entitled to recover full Satisfaction for the special Damage by Action on the Case.

And for the Protection of Persons acting in the Execution of this 20 Act, be it enacted,

Actions not  
to be brought  
after Twelve  
Months.

CXLII. That it shall not be lawful to bring any Action or Prosecution for any Thing done in pursuance of this Act after the Expiration of *Twelve* Months after such Thing shall have been done, nor unless Notice in Writing of such Action, and of the 25 Grounds thereof, shall have been given to the Person intended to be sued at least *One Month* before commencing such Action; and if upon the Trial of any such Action it appear that the said Matter or Thing was authorized by or done in pursuance of this Act, or that such Action was not commenced within the Time herein limited, or 30 that no sufficient Notice was given as aforesaid, or that such Action was brought before the Expiration of *One Month* after such Notice, or that Tender of sufficient Amends was made before such Action was brought, or if upon Payment of Money into Court it shall appear that the Plaintiff has not sustained Damages to a greater 35 Amount than the Sum paid into Court, then and in every such Case the Jury shall find their Verdict for the Defendant; and in that Case, or if the Plaintiff in any such Action become nonsuited, or suffer a Discontinuance of any such Action, or if Judgment be given for the Defendant therein on Demurrer or otherwise, then the 40 Defendant

Jury to find  
for Defen-  
dant if acting  
in pursuance  
of Act;

or if Action  
commenced  
untimely;

or if sufficient  
Tender was  
made;

or sufficient  
Damages  
paid into  
Court.

Defendant to  
be entitled to  
Costs.

Defendant shall be entitled to have Judgment to recover full Costs of Suit.

CXLIII. If the Defendant in any such Action as last aforesaid apply to the Court in which such Action is pending, or to any Judge thereof, it shall be lawful for such Court or any such Judge if he shall think fit to require the Plaintiff to give such Security as such Court or Judge shall approve of for the Payment of all Costs, Charges, and Expenses incurred or to be incurred in and about the said Action, and which shall be or become payable by him on the Taxation thereof by the proper Officer.

Plaintiff to give Security for Payment of Costs, if required.

CXLIV. Whenever in any Proceeding under this Act it shall become necessary to mention the Owner or Occupier of any Premises it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Owner or Occupier of Premises to be sufficient Designation.

CXLV. In any Proceeding under this Act in respect of which Two or more Owners or Occupiers of Premises may be jointly interested or liable, it shall be sufficient to proceed against any One or more of them, without in any Manner proceeding against the others or other of them, but nothing herein contained shall prevent any Party so proceeded against from recovering Contribution in any Case in which he would be entitled to Contribution by Law.

Proceedings may be taken against One of Two or more Owners or Occupiers of any Premises.

CXLVI. Every Person who shall be appointed or shall act as Architectural Referee, Assistant Referee, or District Surveyor under this Act shall, so long as he shall continue to hold any such Office, be exempted from serving on Juries.

Referee and Surveyors not to serve on Juries.

CXLVII. If at any Time it shall, by reason of the Increase of Population or of the Number of Buildings or otherwise, appear to Her Majesty in Council to be expedient to extend the Provisions of this Act to any Parish, Part, or Place situated beyond the Limits above defined, but within the Distance of *Twelve* Miles in a straight Line from Charing Cross in the City of Westminster, then it shall be lawful for Her Majesty to direct, by Order in Council, that, at and from a Time to be named in such Order, the Provisions, Rules, and Directions of this Act shall extend and apply to such Parish, Part, or Place, and at and from the Time so named all the Provisions, Rules, and Directions, whether penal or otherwise, in this Act contained, shall apply and extend to such Parish, Part, or Place, as fully and effectually as if such Parish, Part, or Place had been expressly included in the Limits herein defined; and Notice of the Time when

Her Majesty in Council may extend Act to any Place within Twelve Miles from Charing Cross.

Notice to be published

One Month  
before Ex-  
tension be  
taken into  
consider-  
ation.

Copies to be  
sent to Over-  
seers ;  
to be affixed  
to Church  
Doors.

Order to be  
published.

it shall please Her Majesty to order the Matter of any such Extension to be taken into consideration by Her Privy Council shall be published in the London Gazette *One Month* at the least before such Matter shall be taken into consideration; and *Three Weeks* at the least before such Matter shall be so taken into consideration the Clerk of the 5  
Court of Metropolitan Buildings shall transmit Copies of such Notice to the Overseers of the Poor of the Parish or Parishes within which any such Part or Place is situate; and such Overseers shall cause Copies of such Notice to be fixed on the principal outer Doors of the Churches and Chapels within such Parish or Parishes; and 10  
the said Clerk shall cause every Order in Council made in pursuance of this Act to be published in the London Gazette, and at the least once in each of *Three* successive Weeks in some Newspaper published and circulating within the Limits of this Act.

Act may be  
cited by  
Short Title.

CLXVIII. In citing this Act in other Acts of Parliament, and in 15  
legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Metropolitan Buildings Act, 1851."

SCHE-

**SCHEDULES to which the foregoing Act refers.**

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**SCHEDULE (A.)**

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**RULES FOR ASCERTAINING THE DIMENSIONS AND RATES OF BUILDINGS.**

**1.—*Height of Buildings.***

The Height of every Building is to be ascertained by measuring from the Surface of the lowermost Floor up to the Top of the Ridge-piece of the Roof, or of the uppermost Piece of Timber used in covering such Building.

**2.—*Area of Buildings.***

The Area of every Building shall be deemed to be the greatest Number of Superficial Feet contained in the horizontal Surface, including external Walls and the Portion or Portions of Party Walls on any Floor of such Building, but excluding any attached Building or Office whose Height does not exceed the Height of the Ground Story.

**3.—*Capacity of Buildings.***

The Capacity or Cubical Content of every Building is to be ascertained by the Product of the Area, as last directed, and the Height of the Building from the Surface of the lowermost Floor up to Half the vertical Height of the Rafters of the Roof, or to the under Surface of the covering Timbers, if flat.

**4.—*Rates of Buildings.***

For the Purposes of this Act all Buildings shall belong to one or other of the Rates hereunder set forth, according to the Height and Area of such Buildings:—

Every Building exceeding Eighty Feet in Height, or containing in Area more than 2,500 Superficial Feet, shall be deemed and taken to be of the First Rate of Building :

Every Building exceeding Sixty-five Feet in Height, but not more than Eighty Feet, or containing in Area more than 1,225 Superficial Feet, but not exceeding 2,500, shall be deemed and taken to be of the Second Rate of Building :

Every Building exceeding Fifty Feet in Height, but not more than Sixty-five, or containing in Area more than 625 Superficial Feet, but not exceeding 1,225, shall be deemed and taken to be of the Third Rate of Building :

Every Building exceeding Forty Feet in Height, but not more than Fifty, or containing in Area more than 400 Superficial Feet, but not exceeding 625, shall be deemed and taken to be of the Fourth Rate of Building :

Every Building not exceeding Forty Feet in Height, or containing in Area less than 400 Superficial Feet, shall be deemed and taken to be of the Fifth Rate of Building.

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And every Office or Building which shall be entirely free and detached from any Building to which the same belongs, or shall be connected therewith only by a Fence or Fence Wall or covered Passage open on One or both Sides, shall be deemed to be of the Rate of Building such Office would be of if the same did not appertain to any other Building.

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## SCHEDULE (B.)

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### RULES CONCERNING THE SEPARATION AND DIVISION OF BUILDINGS, AND THE RE-BUILDING AND REPARATION OF BUILDINGS AND WALLS, AND THE ALTERATION, RAISING, ENLARGING, AND UNITING OF BUILDINGS.

#### 1.—*Separation of Buildings from adjoining Premises.*

Every Building must be separated from every other Building adjoining thereto, not being an attached Building or Office in the same Occupation therewith, either by a Party Wall of the requisite Thickness and Height for whichever of the Buildings parted thereby shall require the greater Thickness and Height, or by an external Wall exclusively belonging to such first-mentioned Building, and built against the enclosing Wall of such other Building.

Every Building or Part of a Building intermixed with any other Building or Part of a Building must be separated from such other Building or Part, so far as such Buildings or Parts adjoin vertically by Party Walls, and so far as they adjoin horizontally by Party Arches or Fire-proof Floors in lieu thereof.

Every Building must be separated from all Ground adjoining thereto, and not in the same Occupation therewith, either by a Party Wall or by an external Wall exclusively belonging to such Building.

And all Rooms or Stories lying intermixed with other Rooms or Stories the Property of different Owners in the same Building, (except in Buildings in Sergeants Inn Chancery Lane, or in any of the Four Inns of Court, or in any of the Inns of Chancery, or other Inns set apart for the Study or Practice of the Law, and other Buildings divided into Chambers, Offices, or Counting-houses, and let out in separate Suites or Sets, and not exceeding Thirty-six Squares in Area within the same inclosing Walls,) must be separated from such other Rooms or Stories so far as they adjoin vertically by Party Walls, and so far as they adjoin horizontally by Party Arches or Fire-proof Floors in lieu thereof.

#### 2.—*Division of certain Buildings exceeding Thirty-six Squares in Area.*

No Building containing Chambers, Offices, or Counting-houses, (whether in any of the Inns of Court or other Inns aforesaid, or elsewhere,) let out or to be let out in separate Suites or Sets, which are not separated by Party Walls and Party Arches or Fire-proof Floors in conformity with the Rules of this Act, may be built, rebuilt, or enlarged by the Addition of any other Building, or otherwise, so as to exceed Thirty-six Squares in Area, unless such Building be divided by Walls built in every respect as by this Act Party Walls are required to be built, in such Manner that no Part thereof shall exceed Thirty-six Squares in Area without such Walls.

And

And if any Building or any Two or more united Buildings exceeding Thirty-six Squares in Area be altered or converted to or newly used for any such Purpose, then every such Building must in like Manner be so divided as aforesaid.

*3.—Division of certain Buildings exceeding 216,000 Cubic Feet in Capacity.*

No Building, excepting any public Building and any Building to be used as a Dwelling House only, may be built, rebuilt, raised, or enlarged by the Addition of any other Building thereto, or otherwise, so as to contain more than 216,000 Cubic Feet, unless such Building be divided by Walls built in every respect as by this Act Party Walls are required to be built, in such Manner that there shall not be in any Part of such Building more than 216,000 Cubic Feet without such Walls, or unless such Building be divided by such other internal Divisions as the District Surveyor shall, by special Certificate in that Behalf, certify to be proper and sufficient to effect the Purposes of this Act, in such Manner that there shall not be in any Part of such Building more than 216,000 Cubic Feet without such internal Divisions.

And if any Building or any Two or more united Buildings containing more than 216,000 Cubic Feet be altered or converted to or newly used for any Purpose (except as aforesaid), then every such Building must in like Manner be so divided as aforesaid.

*4.—Division of Buildings not wholly in the same Occupation.*

If any Building either already or hereafter built be divided into Two or more distinct Parts, or be converted, used, or occupied as Two or more separate Buildings, each having a separate Entrance and Staircase, or a separate Entrance from without, then such Building shall be deemed to be Two or more separate Buildings, and such separate Buildings must be separated from each other in such Manner as is by this Act prescribed concerning the Separation of Buildings from adjoining Buildings, or in such Manner as by special Certificate in that Behalf the District Surveyor shall certify to be proper and sufficient to effect the Purposes of this Act.

*5.—Use of existing Walls as Party Walls.*

If any Wall, although of sufficient Thickness, be not sound, or be defective or out of Repair, then such Wall shall not be used as a Party Wall for any Building intended to be built or rebuilt against the same, but shall be taken down and rebuilt, or be repaired, as the Case may require.

If any Wall be not in every respect conformable to the Rules of this Act concerning Party Walls for Buildings of the Rate and Dimensions of the Building adjoining or intended to adjoin thereto which shall require the greater Height and Thickness for the Party Walls thereof, then such Wall shall not be used as a Party Wall for any Building or Addition thereto hereafter built or rebuilt, but such Wall shall be taken down and rebuilt in conformity with such Rules, or an external Wall shall be built against such Party Wall.

Nevertheless, if any Wall built before the passing of this Act be at the least Thirteen Inches in Thickness in every Part, and be in every respect (except as to the Thickness thereof) conformable to the Rules of this Act concerning Party Walls, and be in good Condition, then such Wall may be used as a Party Wall for a Building of any Rate, and may continue to be so used so long as such Wall remains sound and good.



*6.—The rebuilding of Buildings not conformable to this Act.*

Whenever the vertical Enclosures of any Building, or any of them, shall, either at once or at different Times after this Act shall come into operation, be taken down or demolished to any Extent exceeding collectively One Half of the whole Surface of the vertical Enclosures of such Building, then every Part of such Building not conformable to the several Rules of this Act shall be taken down, unless by special Certificate in that Behalf the District Surveyor shall certify that any Part of such Building may with a due Regard to the Purposes of this Act be suffered to remain.

*7.—The rebuilding of Party Structures not conformable to this Act.*

Whenever the vertical Enclosures of any Building or any of them, shall, either at once or at different Times after this Act shall come into operation, be taken down or demolished to any Extent collectively exceeding One Fourth Part of the whole Surface of the vertical Enclosures of such Building, then any Party Structure separating such Building from any other Building, or separating any Rooms or Stories in such Building from any other Rooms or Stories the Property of different Owners in the same Building, so far as such Party Structure shall be so deficient in Thickness, or so unsound, or of such improper Materials, or otherwise so defective, as to be unfit for the Purposes of a Party Structure, must be taken down, and such Buildings, Rooms, or Stories must be separated from each other in such Manner as is by this Act prescribed.

And whenever any such Party Structure so unfit for the Purposes of a Party Structure as aforesaid shall, either at once or at different Times after this Act shall come into operation, be taken down or demolished to any Extent exceeding One Half of the whole Surface thereof, then every Part thereof so unfit for the Purposes of a Party Structure shall be taken down, and the Buildings, Rooms, or Stories parted thereby shall be separated from each other in such Manner as is by this Act prescribed.

And whenever any Timber Partition by which any Buildings are separated, or any Wall over any such Timber Partition, or any one of the Fronts of any Building parted by any Timber Partition or Partitions from any other Building, shall, either at once or at different Times after this Act shall come into operation, be taken down or demolished throughout the Height of Two Stories, or for a Space equal to One Half of such Partition, then every Part of such Partition, together with any Wall over the same, shall be taken down, and such Buildings shall be separated from each other in such Manner as is by this Act prescribed.

Nevertheless, if in any such Case, for the Purpose of public Improvements by or under the Sanction of any Public or Parochial Authorities, it be desired partially to rebuild any Building without pulling down all the Portions thereof which are irregular, or such Portions thereof as are herein-before required to be pulled down, and if, by special Certificate in that Behalf, the District Surveyor shall certify that it is expedient to permit the same, then any One of the Fronts of such Building may be taken down and rebuilt, without pulling down such Timber Partitions or other irregular Structure.

*8.—The rebuilding of external Walls not conformable to this Act.*

Whenever any external Wall or Inclosure not built in the Manner and of the Materials by this Act directed shall, either at once or at different Times after this Act shall come into operation, be taken down or otherwise demolished throughout the Height of Two Stories, or throughout a Space equal to One Half of the whole Surface of such external Wall or Inclosure, then such Part thereof so taken down or otherwise demolished shall not be rebuilt, unless every Part of such external Wall or Inclosure not built in the Manner  
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and of the Materials by this Act directed be also taken down and rebuilt in conformity with the Rules of this Act concerning external Walls.

9.—*The Reparation of external Walls and Roofs not conformable to this Act.*

Any external Wall or Inclosure built before the First Day of January One thousand eight hundred and forty-five, and not being the Inclosure of any Roof, Flat, or Gutter, or of any Erection on any Roof or Flat, although not built of the Materials required by this Act, may be repaired with Materials of the same Kind as those of which it was originally built, or with any other better and less combustible Materials.

But if any Part of any Roof, Flat, or Gutter, or of any Erection on any Roof or Flat, be hereafter stripped, ripped, or uncovered, every such Part shall be covered with the Materials directed by this Act, whatever may have been the Materials with which it was previously covered.

10.—*The Alteration of Buildings.*

No Alteration may be made nor any Work done (unless by this Act expressly allowed) in or in connexion with any Building in consequence of which Alteration or Work such Building or any Part or Appendage thereof, or any other Building, would be or become contrary to any of the Rules of this Act, or less conformable thereto than such Building, Part or Appendage, or such other Building, was before the Commencement of such Alteration or Work.

11.—*The raising of Buildings and Walls.*

No Building may be raised, unless the external Walls and Party Walls and Chimneys thereof when so raised shall be throughout of the Materials and of the several Heights and Thicknesses prescribed by this Act for the external Walls and Party Walls and Chimneys of Buildings of the Rate to which such Building when so raised shall belong.

Nevertheless, if by special Certificate in that Behalf the District Surveyor shall certify that the Walls of any Building are sufficiently secure to allow of the raising thereof, then such Building or Walls may be raised to an additional Height not exceeding Twelve Feet, although such Walls would not be conformable to the Rules of this Act in respect of the Thickness of external Walls and Party Walls.

12.—*The Enlargement of Buildings.*

If any Building either already or hereafter built be enlarged by any Addition made thereto, such Addition not being an attached Building to be distinctly rated, the external and Party Walls of such Addition must be built in conformity with the Rules of this Act for the Rate of such Building when so enlarged.

13.—*The uniting of Buildings.*

Buildings or Premises may not be united by making any Opening in any Wall or other Structure separating the same, unless such Buildings or Premises be wholly in the same Occupation.

And if any Two Buildings be not inclosed by external Walls and Party Walls conformable to the Rules of this Act, and of sufficient Thickness for the external Walls and Party

Walls of a Building of the Dimensions of such Two Buildings taken together as One Building, or if any Two Buildings when united would exceed Thirty-six Squares in Area, or 216,000 Cubic Feet in Capacity, being Buildings which in such Case are by this Act required to be divided, then no Opening in any Wall or other Structure separating the same may be made wider than Seven Feet or higher than Eight Feet; and each Opening must have the Floor, Jambs, and Head thereof formed of Brick, Stone, or Iron Work, and must have Two strong Wrought-iron Doors One Fourth of an Inch thick in the Panels thereof, distant from each other the full Thickness of the Wall, fitted and hung in rebated Frames without Woodwork of any Kind, unless by special Certificate in that Behalf an Official Referee shall certify that any Openings may be otherwise made with a due Regard to the Purposes of this Act.

And no Opening may be made in any Wall or other Structure dividing any Building which by this Act is required to be divided into Parts not exceeding Thirty-six Squares in Area, or 216,000 Cubic Feet in Capacity, except in accordance with such and the same Conditions as are set forth in the foregoing Rule.

And every Wall which has been built for or used as a Party Wall is to be and to continue to be subject to the Rules and Directions of this Act in respect of Party Walls, whether the Buildings parted thereby continue in different Occupations or not.

And whenever any Buildings shall cease to be in the same Occupation, every Opening in any Wall or other Structure separating the same must be stopped up with Brickwork of the full Thickness of such Wall or Structure, and properly bonded therewith.

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## SCHEDULE (C.)

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### RULES CONCERNING THE CONSTRUCTION, MATERIALS, AND DIMENSIONS OF WALLS AND OTHER INCLOSURES OF BUILDINGS.

#### 1.—*Foundations of Walls.*

Every external Wall and every Party Wall must be built upon solid Ground, or upon other sufficient Foundation.

#### 2.—*Materials of Walls.*

Every Wall must be built from the Foundation to the Top thereof of sound Bricks or Stones, or both, laid in good Mortar or Cement, or of other hard and incombustible Materials, in such Manner as to produce sound Work.

#### 3.—*Footings of Walls.*

The Base of the Footing of every Wall by this Act required to be Twenty-five Inches and a Half or more in Thickness must be at least Twenty-one Inches and a Half wider than such Wall, and the Height of such Footing must be at the least Fourteen Inches.

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The Base of the Footing of every Wall by this Act required to be in any Part Seventeen and a Half Inches in Thickness must be at the least Thirteen Inches wider than such Wall, and the Height of such Footing must be at the least Eight Inches.

The Base of the Footing of every Wall by this Act required to be in any Part Thirteen Inches or less in Thickness (except the external Walls of attached or detached Buildings not exceeding in Area One Square nor in Height Eight Feet) must be at the least Eight and a Half Inches wider than such Wall, and the Height of such Footing must be at the least Five Inches.

And the Top of the Footing of every external Wall and of every Party Wall must be at the least Four Inches wider than such Wall.

And every Footing of the Widths hereby required must diminish gradually from the Base to the Top thereof, and must project equally on each Side of the Wall to which it belongs.

But the Footing of any external Wall built against any other Wall may be built without the Projection hereby required on the Side next to such other Wall.

And the Top of the Footing of every external Wall and of every Party Wall must be at the least Three Inches below the Surface of the Ground or Area adjoining thereto on either Side, and Six Inches below the Surface of the lowermost Floor.

#### 4.—*Thickness of Walls.*

Party Walls of the First Rate of Building shall not be less in Thickness at the Top thereof than Thirteen and a Half Inches, and shall be of such Thickness downwards for not more than One Quarter of their whole Height, and from such Quarter of their Height downwards for not more than One other Quarter of their whole Height downwards of not less Thickness than Seventeen and a Half Inches, and thence for not more than one other Quarter downwards of not less Thickness than Twenty-one and a Half Inches, and thence to the Top of the Footings of not less Thickness than Twenty-five and a Half Inches.

Party Walls of the Second Rate of Building shall not be less in Thickness at the Top thereof than Thirteen and a Half Inches, and shall be of such Thickness downwards for not more than One Quarter of their whole Height, thence downwards for not more than One Half their whole Height of not less Thickness than Seventeen and a Half Inches, and thence to the Top of the Footings of not less Thickness than Twenty-one and a Half Inches.

Party Walls of the Third Rate of Building shall not be less in Thickness at the Top thereof than Thirteen and a Half Inches, and shall be of such Thickness for not more than One Half of their whole Height, and thence downwards to the Top of the Footings shall not be less than Seventeen and a Half Inches.

Party Walls of the Fourth Rate of Building shall not be less in Thickness at the Top thereof than Eight and a Half Inches, and shall be of such Thickness downwards for not more than One Third of their whole Height, and thence downwards to the Top of the Footings shall not be less than Seventeen and a Half Inches.

Party Walls of the Fifth Rate of Building shall not be less at the Top thereof than Eight and a Half Inches, and shall be of such Thickness downwards for not more than One Half of their whole Height, and thence downwards to the Top of the Footings shall not be less than Thirteen and a Half Inches.

And in Buildings of each Rate the external Walls shall be of the same several Thicknesses as the Party Walls at their several similar Levels, except such Parts thereof as shall form Parapets to Gutters or Flats; but all such Walls as shall be terminated by Gables or Portions of Gables shall be continued of the same Thickness as the Walls from which they

they rise to the Height of Eighteen Inches, measured at right Angles to the Slope of the Roof.

5.—*Thickness and Footings of external Walls of certain Office Buildings.*

The external Walls of attached or detached Buildings not exceeding in Area One Square nor in Height Eight Feet must be at the least Four Inches in Thickness, except the Quoins and Jambs of all Door and Window Openings therein, which must be at the least Eight and a Half Inches in Thickness for the Length of Eight and a Half Inches upon every such Quoin and upon every such Jamb, and the same must be built upon Footings at the least Four Inches wider than the Wall standing thereon.

6.—*Greater Thickness of certain Stone Walls.*

Walls built of Stone, of which the Beds are not parallel and horizontal, must be of a Thickness at least One Third greater than the Thickness otherwise required for the same.

7.—*Rule for ascertaining Thickness of Walls and Width of Footings.*

The Thickness of every Wall, and the Width of the Footing thereof, are to be ascertained by measuring only the Thickness or Width of which such Wall or Footing shall have been originally built.

8.—*Recesses in external Walls.*

Recesses may be formed in external Walls, but only in such Manner that the Backs thereof be at the least of the Thickness of Eight and a Half Inches, and in such Manner that the Stability and Sufficiency of the Wall be not thereby injuriously affected, and so that the vertical Areas of such Recesses collectively do not exceed One Third of the whole vertical Area of the Wall in which they are used.

9.—*Timber, &c. in external Walls.*

No Timber or Woodwork of any kind (except Brestsummers and Story Posts under the same, and except the Frames of Doors and Windows in the Ground Story of any Building,) shall be fixed in any external Wall within a Distance of Four Inches at the least from the external Face of such Wall.

Every Brestsummer must have a Bearing in the Direction of its Length of Four Inches at the least at each End, upon a sufficient Pier of Brick or Stone, or upon a Timber or Iron Story Post fixed on a solid Foundation, independent of the Bearing upon any Party Wall, whereon it must be borne by a Templet or Corbel of Stone or Iron, tailed through such Wall at least Half the Thickness thereof.

10.—*Materials of Projections from external Walls.*

Every Coping, Cornice, Facia, Window Dressing, Portico, Balcony, Verandah, Balustrade, and architectural Projection or Decoration whatsoever, and Eaves or Cornices to any overhanging Roof, shall externally be of Brick, Tile, Stone, artificial Stone, Slate, Cement, or other sufficiently Fire-proof Material, except the Cornices and Dressings to Shop Window Fronts.

11.—*Wooden Shop Fronts.*

No Part of any Shop Front, except the Cornice in any Street or Alley less than Thirty Feet wide, shall project beyond the external Wall of the Building to which it belongs more than

than Five Inches, nor shall the Cornice project more than Thirteen Inches; but in any Street or public Way wider than Thirty Feet, any Shop Front may project not exceeding Ten Inches, and the Cornice thereof not exceeding Eighteen Inches from the external Walls.

No Part of the Woodwork of any Shop Front shall be fixed nearer than Four and a Half Inches from the Line of Junction of any adjoining Premises, unless a Pier or Corbel of Stone, Brick, or other Fire-proof Material, Four and a Half Inches wide at the least, be built or fixed next to such adjoining Premises as high as such Woodwork, and project One Inch at the least in front of the Face thereof.

### 12.—*Height of Party Walls.*

Every Party Wall must be carried up above the Roof, Flat, or Gutter of the highest Building adjoining thereto, and also above any Part of such Roof which shall be within the Distance of Three Feet opposite thereto, to the Height hereunder mentioned, according to the Rate and Description of such Building; that is to say,

If such Building be of the First, Second, or Third Rate, then at the least Eighteen Inches;

If such Building be of the Fourth or Fifth Rate, then at the least One Foot;

And such Height is to be measured at Right Angles from the Back of the Rafters of any Roof, and from the highest Part of any Flat or Gutter, as the Case may be.

And every Party Wall must be carried up above any Turret, Dormer, Lantern-light, or other Erection of combustible Materials fixed upon the Roof or Flat of any Building within Four Feet from such Party Wall, and must extend at the least Twelve Inches higher and wider on each Side than such Erection.

### 13.—*Openings in Party Walls.*

No Opening may be made in any Party Wall, except for the Purpose of uniting Buildings in accordance with the Rules of this Act.

Nevertheless, if any Party Wall which at the Time when this Act shall come into operation contains any Opening to which any Owner is lawfully entitled, be rebuilt, and if by special Certificate in that Behalf the District Surveyor shall certify that such Opening is essential to the beneficial Use and Enjoyment of the Premises to which it belongs, then such Opening may be retained in the new Party Wall, but only upon condition that any Building within Four Feet from such Opening, or the Wall underneath the same, shall be in every Part within such Distance covered by a Roof formed and supported in the same Manner in every respect as is by this Act prescribed for Party Arches, or Fire-proof Floors in lieu thereof, or that a Hopper formed of Wrought Iron at least One Quarter of an Inch thick be fixed to such Opening so as to extend from the Sill upwards at least One Third of the Height of such Opening, and project from the Wall at least to the same Extent; and every such Opening must be provided with proper Iron Shutters or other sufficient Means of closing the same in case of Fire, and no Woodwork may be fixed in or about the same.

### 14.—*Recesses in Party Walls.*

No Recess may be formed in any Party Wall unless, by special Certificate in that Behalf, the District Surveyor shall certify that the Stability and Sufficiency of such Wall will not be injuriously affected thereby.

Every such Recess must be arched over, and the Back of every such Recess in the first or lowermost Story must be distant Seven Inches at the least from the Centre of the Party Wall, and above the first or lowermost Story must be distant at the least Four Inches from the Centre of the Party Wall.

#### 15.—*Chases in Party Walls.*

The requisite Chases for the Insertion of the Ends of Walls, of Piers, of Pipes for the Conveyance of Water or of Soil, or of Iron Story Posts, may be left or cut in Party Walls; but no Chase may be left or cut wider than Fourteen Inches, nor more than Four and a Half Inches deep from the Face of the Wall, nor so as to leave less than Eight and a Half Inches in Thickness at the Back or other Side thereof; and no Chase may be made within a Distance of Seven Feet from any other Chase on the same Side of the Wall.

#### 16.—*Timber in Party Walls.*

No Timber shall be laid into any Party Arch except for Bond to the same, nor into any Party Wall other than such Templets, Chains, and Bond Timber as shall be necessary for the same; and other than the Ends of Girders, Beams, Purlines, and of binding or trimming Joists or of other principal Timbers, all which Timbers shall have at least Eight Inches and a Half of solid Brickwork between the Ends and Sides of every such Piece of Timber and the Timber of any Building adjoining thereto; and the End of every Girder, Beam, Purline, Binding, or Trimming Joist, and of every other Piece of principal Timber may be laid beyond the Centre of any Party Wall, so nevertheless as that there be left Eight and a Half Inches at the least of solid Brick or Stone Work at the End of every such Piece of Timber, except in Places where any Part of the Ends of any such Timber shall lie opposite to and level with any Part of the Ends of any Timber of any adjoining Building or Buildings, in which Case no Part of such Timbers shall approach nearer than Four Inches to the Centre of the said Wall.

#### 17.—*Party Arches and Arches over Public Ways.*

Every Party Arch or Fire-proof Floor, and every Arch or Floor over any public Way or any Passage leading to Premises in other Occupation, must be built of Brick, Stone, or other incombustible Materials, and be carried on similar Materials, and be of the Thickness of Eight and a Half Inches at the least if the Span do not exceed Ten Feet, and of the Thickness of Thirteen Inches at the least if the Span exceed Ten Feet.

#### 18.—*Roofs.*

Every Flat, Gutter, and Roof, of every Building, and every Turret, Dormer, and Lantern Light, or other Erection which shall be placed on the Flat or Roof thereof, shall be externally covered with Slates, Tiles, Metal, or other incombustible Material, except the Doors, Door Frames, Windows, and Window Frames of such Dormers, Turrets, Lantern Lights, or other Erection.

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## SCHEDULE (D.)

## RULES CONCERNING CHIMNEYS.

1.—*Substructure and Supports.*

Every Chimney and Chimney Breast must be built on solid Foundations, and with Footings similar to the Wall against which it is built, except only such Chimneys as may be built upon Corbels, which may only be introduced above the Level of the Ceiling of the Ground Story.

Such Corbels or other Supports, if used, must be of Brick, Stone, or other solid and sufficient Fire-proof Materials.

2.—*Chimney Openings.*

An Arch of Brick or Stone must be built over the Opening of every Chimney to support the Breast thereof, and an Iron Bar or Bars must be built into the Jambs at least Eight and a Half Inches on each Side to tie in the Abutments where the Breast projects more than Four and a Half Inches from the Face of the Wall, and the Jamb on either Side is of less Width than Seventeen and a Half Inches.

3.—*Breast, Jambs, Back, and other Parts of Chimneys.*

The Inside of every Flue, and also the Outside thereof next the Interior of any Building, must be rendered or pargetted.

The Jambs of every Chimney must not be less than Eight and a Half Inches wide on each Side of the Opening thereof.

The Breast of any Chimney, and the Front, Withe, Partition, and Back of any Flue, must not be less than Four Inches in Thickness, and the Back of any Flue in a Party Wall in and from the First or Basement Story of any Building, except Buildings of the Fifth Rate, must not be less than Eight and a Half Inches thick throughout the whole Height of the Story.

The Back of any Chimney Opening from the Hearth up to the Height of Twelve Inches above the Mantel must not be less than Eight and a Half Inches thick if in a Party Wall, or Four and a Half Inches thick if not in a Party Wall; and in the First or Basement Story of any Building of the First, Second, Third, or Fourth Rate the Back of any Chimney Opening must not be less than Thirteen Inches thick if in a Party Wall, and Eight and a Half Inches thick if not in a Party Wall.

The upper Side of every Flue, so far as its Course shall be horizontal or at an Angle less than Forty-five Degrees with the Horizon, must be Eight and a Half Inches at least in Thickness.

4.—*Chimney Shafts.*

Every Chimney Shaft or Flue hereafter built, raised, or repaired must be carried up in Brick or Stone Work all round at the least Four Inches thick to a Height of not less than Three Feet above the Roof, Flat, or Gutter adjoining thereto, measured at the highest Point of Junction.

And the Brickwork or Stonework of any such Shaft or Flue must not be built higher than Eight Feet above the Roof, Flat, or Gutter adjoining thereto, measured from the highest Point of Junction, unless such Chimney Shaft be built of increased Thickness, or be built with and bonded to another Chimney Shaft, or be otherwise rendered secure.



*5.—Chimneys built in or against old Walls.*

If any Chimney or Flue be made or added to any Wall after such Wall is built, then the whole of the Brickwork of such new Chimney or Flue must be built in Cement, and must be properly connected with the Brickwork of the Wall; and if the Inside of such new Chimney or Flue is intended to be in any Part within Eight and a Half Inches from the other Side of the Wall in which it is to be inserted, or against which it is to be built, then the Brickwork of such Wall must be removed throughout the whole Thickness of such Wall, or such Part thereof, and new Brickwork inserted as aforesaid.

And no Flue may be built against any Party Structure unless a Withe at the least Four Inches in Thickness be built all round at the same Time, properly secured to such Structure.

*6.—Cutting away Chimneys.*

No Chimney Breast or Shaft built with or in any Party Wall may be cut away, unless by special Certificate in that Behalf the District Surveyor shall certify that the same may be cut away without injuriously affecting the Stability of any Part of any Building.

*7.—Cuttings and Openings into Chimneys.*

No Chimney Shaft, Jamb, Breast, or Flue may be cut into for any other Purpose than the Repair thereof;

Or for letting in, removing, or altering Flues, Pipes, or Funnels for the Conveyance of Smoke, hot Air, or Steam, and Smoke Jacks;

Or for the Formation of Soot Doors, for which Purpose every Opening must be fitted with a proper close Iron Door and Frame;

Or for inserting Ventilating Valves, for which no Openings may be made nearer to any Timber or combustible Substance than Nine Inches, and any such Valve must not be susceptible of being opened more than One Third of the Quadrant of a Circle from its vertical Position.

*8.—Timber or Woodwork.*

No Timber or Woodwork may be placed or laid in any Wall or Chimney Breast nearer than Eight and a Half Inches to the Inside of any Flue or Chimney Opening.

And no Timber or Woodwork may be laid or placed under any Chimney Opening within Eighteen Inches at the least from the upper Surface of the Hearth of such Chimney Opening.

And no Timber or Woodwork may be laid or placed within Two Inches from the Face of the Brickwork or Stonework about any Chimney or Flue where the Substance of such Brickwork or Stonework is less than Eight and a Half Inches thick.

And no Wooden Plugs may be driven nearer than Four Inches to the Inside of any Flue or Chimney Opening, nor any Iron Holdfast or other Iron Fastening nearer than Two Inches thereto.

*9.—Slabs and Hearths.*

There must be laid before the Opening of every Chimney a Slab or Slabs of Brick, Tile, Stone, Slate, Marble, or other proper and sufficient incombustible Substance at the least Twelve Inches longer than such Opening, and at the least Eighteen Inches wide in front of the Arch over the same.

And

And in every Floor, except the lowermost Floor, such Slab or Slabs must be laid wholly upon Stone or Iron Bearers or upon Brick Trimmers, but in the lowermost Floor any such Slab may be laid on a Brick Fender, bedded on the solid Ground.

And the Hearth of every Chimney must be laid and bedded wholly on Brick or Stone, or other incombustible Substance, which must be solid for a Thickness of Nine Inches at the least beneath the upper Surface of such Hearth.

#### 10.—*Close Fires, &c.*

The Brick or other Casing or Inclosure of every Oven, Furnace, Cokel, Copper, close Fire, or Stove (except any moveable Ironing Stove) must be distant at the least Four Inches from any Party Wall, and Eighteen Inches from any Timber or Woodwork; and the Floor under, and for a Distance of Eighteen Inches all round the same, must be wholly formed of proper Materials of an incombustible and non-conducting Nature.

And such Oven, Furnace, Cokel, Copper, or close Fire hereafter erected must not communicate with any Flue in a Party Wall within the Distance of Five Feet from such Oven, Furnace, Cokel, Copper, or close Fire, unless the Front and Back of such Flue be at the least Eight and a Half Inches thick.

And every moveable Ironing Stove must stand in an Iron Pan not less than Twelve Inches wider each Way than the Stove itself.

#### 11.—*Smoke Pipes, &c.*

No Tube, Pipe, or Funnel for conveying Smoke, heated Air, Steam, or hot Water may be fixed against any Building on any Face thereof next to any Street or Alley, Mews, or Public Way.

No Tube, Pipe, or Funnel for conveying heated Air, Steam, or hot Water may be fixed nearer than Two Inches to any Timber or other combustible Material.

No Tube, Pipe, or Funnel for conveying Smoke or the Products of Combustion may be fixed nearer than Nine Inches to any Timber or other combustible Material.

Nevertheless Tubes, Pipes, or Funnels for carrying off the Products of the Combustion of Gas, or for Ventilation and other the like Purposes, may be fixed, if not nearer than Four Inches, to any Timber or other combustible Materials, provided such Tubes, Pipes, or Funnels be formed of Stoneware, Earthenware, or other proper and sufficient Fire-proof Material as may be deemed secure by the District Surveyor.

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### SCHEDULE (E.)

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#### · RULES CONCERNING ACCESSES AND STAIRS.

In every public Building containing more than 125,000 Cubic Feet, and also in every Building built, rebuilt, or converted subsequently to the passing of this Act for the Purpose of Lodging or Dwelling Rooms, or Apartments for separate Persons or Families, containing more than 125,000 Cubic Feet, the Floors of the Lobbies, Corridors, Passages, and Landings, and also the Flights of Stairs, shall be of Stone, carried and wholly supported on some Fire-proof and incombustible Material.

## SCHEDULE (F.)

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### RULES CONCERNING PROJECTIONS.

#### 1.—*Projections beyond the Public Way.*

No Projection may be built or made from or before any Building so as to extend beyond the Line of any Public Street or Way, except Copings, Cornices, Entablatures, Facias, Door and Window Dressings, and other architectural Decorations forming Part of an external Wall, Shop Fronts as by Schedule (C.) herein-before allowed, and Water Pipes with their Appurtenances.

#### 2.—*Projections injurious to adjoining Owners.*

No projected Building, Bow, Bow Window, or other Projection of any kind may be built or made so as to overhang the Ground of any Owner other than the Owner of such Projection.

#### 3.—*Porticoes of public Buildings.*

Nevertheless, if by special Certificate in that Behalf the Architectural Referee shall certify that the Portico or Porticoes of any public Building may be erected over the Foot Pavement of any Street or Alley not less than Fifty Feet in Width, with a due Regard to the Interests of the Public, and if no Objection have been made by any Party interested within One Month thereafter, or if upon any such Objection made, the Court of Metropolitan Buildings do not confirm such Objection, then such Portico or Porticoes may be so built (notwithstanding any Act heretofore passed to the contrary).

#### 4.—*Gutters and Pipes next to public Ways.*

The Roof, Flat, or Gutter of every Building, and every Balcony, Verandah, Shop Front, or other Projection, must be so arranged and constructed, and so supplied with Gutters and Pipes, as to prevent the Water therefrom from dropping upon or running over any public Way.

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## SCHEDULE (G.)

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### RULES CONCERNING STREETS AND ALLEYS.

#### 1.—*Width of Streets and Alleys.*

Every Street (excepting any Mews) must be of the Width of Forty Feet at the least in every Part thereof hereafter formed, unless all the Buildings on each Side of such Street shall be less than Thirty Feet in Height above the Level of the Street, in which Case such Street must be in every Part thereof of the Width of Thirty Feet at the least.

Every Alley and every Mews must be of the Width of Twenty Feet at the least in every Part thereof hereafter formed.

And in every Street hereafter formed, a Space equal at the least to Thirty Feet, and in every Alley hereafter formed a Space equal at least to Twenty Feet, must be devoted to the public Way, and such public Way must be set or staked out before the Commencement of any Building on either Side of such Street or Alley.

#### 2.—*Entrances*

*2.—Entrances of Alleys.*

Every Alley must have Two open Ends or Entrances of the full Width required for such Alley, and open from the Ground upwards, One at the least of which must lead from some Street, and the other may lead into an open Square or Court of at the least the full Width of Forty Feet in every Direction.

*3.—Erection of Buildings in Streets or Alleys.*

No Building may be built on either Side of any Street or Alley hereafter formed at a Distance from any Building on the other Side of such Street or Alley less than the Width hereby prescribed for Streets or Alleys respectively, nor at a Distance from the Middle of the public Way less than One Half of such Width.

No Building may be built on any vacant Ground on either Side of any public Way (whether already or hereafter formed) within a Distance from the Middle of such public Way equal to One Half of the Width hereby prescribed for Streets or Alleys respectively.

No Building, nor any Addition to any Building, in any Street or Alley already formed, may be erected in such Situation as to render such Street or Alley not conformable to any of the Rules of this Act concerning Streets or Alleys hereafter formed, or less conformable to such Rules than such Street or Alley was before the Commencement of such Erection, unless by special Certificate in that Behalf the District Surveyor shall certify that the same may be erected with a due Regard to the Interests of the Public.

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SCHEDULE (H.)

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RULES CONCERNING OPEN SPACES OR AREAS TO DWELLING HOUSES, ROOMS OF BUILDINGS, AND PRIVIES.

*1.—Open Spaces or Areas to Dwelling Houses.*

Every Dwelling House hereafter built or rebuilt, unless all the Rooms thereof can be lighted and ventilated from the Street or Alley, must have in the Rear or Side thereof, above the Level of the Second or Ground Story, an open Space or Area exclusively belonging thereto of the Extent of at least One Square.

But if any House built before the First Day of January One thousand eight hundred and forty-five without such an open Space or Area be rebuilt, then such open Space or Area must be of the Extent of at the least Three Quarters of a Square.

*2.—Height of Rooms.*

Every Room hereafter constructed in any Building, except Rooms in the Roof thereof, must be in every Part at the least Seven Feet in Height from the Floor to the Ceiling.

Every Room hereafter constructed in the Roof of any Building must be at the least Seven Feet in Height from the Floor to the Ceiling throughout at the least One Half the Area of such Room.

**3.—*Underground Rooms used as separate Dwellings.***

If any Room, Vault, or Cellar either already or hereafter built, of which the Surface of the Floor is more than Three Feet below the Surface of the Footway of the nearest Street or Alley, be used or be intended to be used as a separate Dwelling, then—

There must be an Area not less than Three Feet wide in every Part from Six Inches below the Floor of such Room, Vault, or Cellar to the Surface or Level of the Ground adjoining to the Front, Back, or external Side thereof, and extending the full Length of such Side.

And such Area to the Extent of at least Five Feet long and Two Feet and Six Inches wide must be in front of the Window of such Room, Vault, or Cellar, and must be open or covered only with open Iron Gratings.

And there must be made for every such Room, Vault, or Cellar an open Fireplace, with proper Flue therefrom.

And there must be a Window Opening of at the least Nine Superficial Feet in Area, clear of the Sash Frame, which Window Opening must be fitted with a Frame filled in with glazed Sashes, of which at the least Four and a Half Superficial Feet must be made to open for Ventilation.

And unless such Room, Vault, or Cellar have been built before the First Day of January One thousand eight hundred and forty-five, the Height thereof must not be less than Seven Feet from the Floor to the Ceiling, and such Room, Vault, or Cellar must be properly drained.

**SCHEDULE (I.)****RULES CONCERNING THE SAFE CONSTRUCTION AND MAINTENANCE OF BUILDINGS.**

Every Building, and every Part and Appendage of every Building, must be built, constructed, made, or fixed in a safe and secure Manner, so that the same do not become dangerous to the Inmates of such Building, or to the Lives or Property of any Persons not having Control over such Building.

Every Building, and every Part or Appendage of every Building, must be kept and maintained in a safe and secure Condition, so that the same do not become dangerous to the Inmates of such Building, or to the Lives or Property of any Person not having Control over such Building.

**SCHEDULE (K.)****RULES FOR THE EXEMPTION OF CERTAIN BUILDINGS FROM THE RULES OR SOME OF THE RULES OF THIS ACT, AND THE CONDITIONS OF SUCH EXEMPTION.****1.—*Buildings belonging to Her Majesty, and to sundry public Bodies and Companies.***

The following Buildings; that is to say,—

Her Majesty's Royal Palaces, and Buildings in the Possession of Her Majesty, Her Heirs and Successors, or employed for Her Majesty's Use or Service;

And

And Common Gaols, Prisons, Houses of Correction, and Places of Confinement under the Inspection of the Inspectors of Prisons.

And the following Public Hospitals; viz. :—

Bridewell.	Magdalen.
Bethlehem, and the Houses of	Middlesex.
Occupation adjoining.	Royal Free.
Charing Cross.	Saint Bartholomew's.
Chelsea.	Saint George's.
Christ's.	Saint Luke's.
Consumption.	Saint Thomas's.
Greenwich.	Seamen's.
Guy's.	Small Pox.
King's College.	Saint Mary's Paddington.
Lock.	University College.
London.	Westminster.
London Fever.	

And the Mansion House, Guildhall, and Royal Exchange of the City of London;

And the Offices and Buildings of the Governor and Company of the Bank of England already erected, and which now form the Edifice called "The Bank of England," and any Offices and Buildings hereafter to be erected for the Use of the said Governor and Company, either on the Site of or in addition to and in connexion with the said Edifice;

And the Buildings of the British Museum already erected or to be erected for the like Purposes;

And the Erections and Buildings authorized by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, for the Purposes of a Market in Covent Garden;

And the Warehouses of and belonging to the Saint Katherine Dock Company, commonly called the New Street and Cutler Street Warehouses and the Haydon Square Warehouses, purchased by the said Company from the East India Company;

And the Warehouses of or belonging to the Saint Katherine Dock Company, and situate in the Parish of Saint Botolph without Aldgate, and in the Precinct of Saint Katherine near the Tower of London, in the County of Middlesex;

And the Warehouses and Buildings of or belonging to the London Dock Company comprehended within the Wall of the said Company as set forth in an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth;

And the several Warehouses and Buildings of or belonging to the East and West India Dock Company established by an Act made in the First Year of the Reign of Her present Majesty;

And the Buildings erected or to be erected by any Railway Company, within and in connexion with the Works of their Railway, under the Authority of any Act heretofore passed, and which have been exempted from the Operation of the Act passed in the Seventh and Eighth Years of Her present Majesty for regulating the Construction and Use of Buildings in the Metropolis and its Neighbourhood;

And all Buildings exempted by any Act of Parliament from the Operation of the Act passed in the Fourteenth Year of the Reign of His late Majesty King George the Third, Chapter Twenty-eight;

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And

And all Churches and Chapels built or rebuilt under the Powers of the Act of the Third and Fourth Years of Her present Majesty, Chapter Sixty, or any of the Church Building Acts in the Preamble of that Act recited.

Are to be subject to the Rules of this Act only so far as such Buildings, or any Operation thereon, may affect any public Way, or the Premises of any adjoining or other Owner.

But no Building used or intended to be used as a Dwelling House, except Her Majesty's Royal Palaces and Buildings as herein-before exempted, shall be deemed to be included in the foregoing List of Buildings.

## *2.—Insulated Buildings.*

If any Building not being a public Building, or used or intended to be used as such, be wholly in One Occupation, and be distant at least Eight Feet from the nearest Street or Alley, and at the least Thirty Feet from the nearest Building occupied by any other Person, then such Building shall be wholly exempt from the Rules and Directions of this Act, and from the Jurisdiction of the District Surveyor.

If any Projection from any Face Wall of any such insulated Building be distant at least Eight Feet from any public Way, and Twenty Feet from any Building not in the same Occupation, such Projection is not to be subject to any of the Rules and Directions of this Act.

## *3.—Toll Houses.*

If any Building be built for the Purpose of Trade or the Collection of Toll, and do not cover more than a Square and Half a Square in Area, and if the Height of the highest Point of the Roof thereof do not exceed Twelve Feet above the Ground, and if such Building be distant Fifteen Feet at the least from any other Building, then such Building is not to be subject to the Rules of this Act with regard to external Walls.

## *4.—Small Office Buildings.*

If any Washhouse, Privy, or other detached Building built as an Office to a Dwelling House consist of One Story only, and do not exceed Eight Feet in Height or Half a Square in Area, and be detached from any other Building, and from Ground not in the same Occupation to an Extent equal at least to its own Height from the Ground, it is not to be subject to the Rules of this Act with regard to the Materials and Construction of external Walls, but in every other respect such Building must be built in conformity with the Rules of this Act.

And if any Building be not more than Ten Feet in Height, and do not contain more than Three Fourths of a Square, and have not any Fireplace, Flue, or Stove therein, such Building is to be subject to the Rules of this Act only in respect of the Separation thereof by a proper Party Wall or external Wall from any adjoining Building or Ground not in the same Occupation therewith, and also in respect of its Roof Coverings.

## *5.—Greenhouses, &c.*

Greenhouses, Conservatories, Vineries, Aviaries, and such like Buildings, so far as respects their being inclosed with Glass or Metal, with such Wood Framing only as shall be necessary for such Glass or Metal, are not to be subject to the Rules of this Act concerning external Walls.

## *6.—Sheds.*

*6.—Sheds.*

Sheds containing One Story only, and having any Side or Sides standing at a Distance from any opposite Ground or Building not in the same Occupation therewith, not less than the Height from the Ground to the Eaves of the Roof on such Sides or Side, and which Sides or Side shall be wholly uninclosed, excepting only such Posts as shall be necessary to support the Plate under the Roof, are not in respect of such uninclosed Sides to be subject to the Rules of this Act concerning external Walls.

*7.—Temporary Buildings.*

If it be desired to erect any Building for temporary Purposes only, and if by special Certificate in that Behalf the District Surveyor shall certify that the same may be safely permitted for a Time to be limited in any such Certificate, then until the Expiration of such Time such Building is not to be subject to such of the Rules of this Act as shall be specified in such Certificate.

*8.—Tanners, Curriers, and Leather Dressers Sheds.*

Sheds over Tan-pits, and Tanners, Curriers, and Leather Dressers Drying Sheds, used only for the Purpose of covering Tan-pits, or of drying wet Goods by cold Air or the natural Atmosphere, and containing no Fireplace nor Flue, and no Steam Pipe, Hot-air Pipe, Smoke Pipe, Stove, Furnace, nor any other Apparatus whatever for creating or conducting Heat, and which shall be situate without the Cities of London and Westminster, and the Liberties thereof;

And which shall be at the least Six Feet distant from every public Way, or else shall have every Part lying within such Distance of Six Feet inclosed by proper Brick or Stone external Walls of the full Thickness required for Buildings of the Rate to which such Shed shall belong;

And which shall be at the least Ten Feet distant from all Ground not in the same Occupation, or shall be at the least Six Feet distant from such Ground, and separated therefrom by Brick or Stone Fence or Party Fence Walls at the least Eight and a Half Inches thick and Eight Feet high from the Level of the Ground, or shall if less than Six Feet distant from such Ground be separated therefrom by Party Walls or by external Walls without any Opening therein, and built in conformity with all the Rules of this Act, and extending and raised at the least Eighteen Inches wider on each Side than such Shed, and Eighteen Inches higher than any Gutter or Roof abutting thereon;

And which shall be distant at the least Ten Feet from any Building in other Occupation, and also from every Building in which Fires are used in the same Occupation, or shall be separated therefrom respectively by Party Walls or external Walls without any Opening therein, and built in conformity with all the Rules of this Act;

May be built with external Walls or Inclosures (except as before mentioned) of any Materials and of any Thickness whatever, so that such Inclosures be not at any Time coated or covered with Pitch, Tar, or other inflammable Material, and do not exceed the Height of Thirty Feet from the Level of the Ground to the Top thereof.

And if any such Shed be further distant from every public Way, and from all Ground not in the same Occupation, and from every other Building, Two Feet more than the several Distances herein-before mentioned respectively, such external Walls or Inclosures may be built to the Height of Forty Feet from the Level of the Ground to the Top thereof.



And if the First or Ground Story of any such Shed be inclosed by Brick or Stone Walls of the full Thickness required for Buildings of the Rate to which such Shed shall belong, then such First or Ground Story may be used as a Warehouse for the Purposes of the Trades aforesaid.

But in no Case is any such Shed to be exempt from the Rules of this Act concerning the Division of Buildings containing more than 216,000 Cubic Feet, or from any of the Rules concerning Roof Coverings, or other Rules, except those relating to external Walls.

9.—*Foundries, Carriers Sheds, Gas Retort Houses, and certain other Buildings.*

The following Buildings; that is to say,—

- (First) Buildings used exclusively for the storing, working, or manufacturing of Iron, Brass, Lead, Stone, or other incombustible Materials, and containing One Story only, besides any Brick or Stone vaulted Cellars, and having no Timber Floor, and no Ceiling in or under the Roof thereof;
- (Secondly) Sheds or covered Places, used for unloading, transferring, and reloading Goods in course of Transit, and not for the storing or warehousing of Goods;
- (Thirdly) Buildings used as Retort Houses for the Process of producing Gas from Coal, and for the storing of Coal to be used in such Process, and not exceeding Forty Feet in Height, and not containing more than Two Stories, and distant at the least by a Space equal to One Third of the Height thereof from any Ground not in the same Occupation, and separated from any other Building or from any public Way within the Distance of Eight Feet therefrom by a proper Party Wall or external Wall without any Openings therein, and built as to the Floors, Roofs, Stairs, and Partitions thereof wholly of incombustible Materials (except as to any End Grain Wood Pavement laid upon the Ground, or upon such Fire-proof Floor);

Are not to be subject to the Rules of this Act concerning the Division of Buildings containing more than 216,000 Cubic Feet; but every such Building so built or enlarged must have such external Walls and Party Walls, and such internal Divisions, and must be so arranged and constructed in every respect, as by special Certificate in that Behalf the District Surveyor shall certify to be proper and sufficient under the Circumstances of the Case, and of the Locality and Neighbourhood thereof.

10.—*Continuance of Exemptions.*

If any Condition or Circumstance in respect of which a Building or other Subject Matter within the Operation of this Act is privileged or exempted from any of the Rules of this Act cease to exist, such Building or other Subject Matter must be made conformable to such Rules as if such Building or other Subject Matter had not been so privileged or exempted.

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SCHEDULE (L.).

CONCERNING FEES TO BE PAID TO THE DISTRICT SURVEYORS.

1.—Fees for the Supervision of Buildings and Works.

	First Rate.	Second Rate.	Third Rate.	Fourth Rate.	Fifth Rate.
For the SUPERVISION of BUILDINGS and WORKS by any DISTRICT SURVEYOR in pursuance of this Act, the following FEES are to be paid; that is to say,	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Where any Building (not being a Building herein-after provided for) is erected on new or old Foundations, according to the Rate of such Building - - - -	5 5 0	3 10 0	3 3 0	2 10 0	1 15 0
Where any Office Building distinctly rated, whether attached to or detached from the Building to which it belongs, is erected and not covered in within Thirty-one Days after the Building to which it belongs shall have been covered in, according to the Rate of such Office Building -	2 10 0	1 15 0	1 10 0	1 5 0	0 12 6
Where any Building is enlarged or raised, or any Two Buildings united, according to the Rate thereof, when so enlarged, raised, or united, a Fee not exceeding - - - -	2 10 0	1 15 0	1 10 0	1 5 0	0 12 6
Where any Building is altered, or where any Work subject to any of the Rules of this Act is executed in any Building, according to the Rate of such Building, a Fee not exceeding - - - -	2 10 0	1 15 0	1 10 0	1 5 0	0 12 6
Where any insulated Building, or Building built for the Purposes of Trade or Collection of Toll, not subject to all the Rules of this Act, is erected, according to the Rate of such Building, a Fee not exceeding -	2 0 0	1 10 0	1 5 0	1 0 0	0 12 6

2.—Fees for special Services.

For the following SPECIAL SERVICES performed by any DISTRICT SURVEYOR in pursuance of the Provisions of this Act, the following FEES are to be paid; that is to say,	Extra First Rate.	First Rate.	Second Rate.	Third Rate.	Fourth Rate.	
					Having more than Two Stories.	Not having more than Two Stories.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For surveying and certifying as to any Party Structure, in the Case of any Reference under this Act, according to the Rate of the Building adjoining thereto, which may be of the higher Rate a Fee not exceeding -	5 5 0	3 10 0	3 3 0	2 10 0	2 2 0	1 10 0
For surveying and certifying to the Lord Mayor, or to the Surveyor of Pavements, or to the Overseers of the Poor, as the Case may be, as to any dangerous Building, or Part of any Building which shall require to be shored, hoarded in, or otherwise secured, a Fee not exceeding -	2 10 0	2 0 0	1 10 0	1 5 0	1 0 0	0 15 0
For surveying the Removal of any irregular or dangerous Building or Part thereof, where such Service shall not be performed incidentally to any Building Operation in respect of which any other Fee shall become payable, a Fee not exceeding -	2 10 0	2 0 0	1 10 0	1 5 0	1 0 0	0 15 0
For attending at any Hearing or Survey in the Matter of any Reference under this Act - - -	Such Fees in addition to the Costs as shall be awarded in each Case.					
For making any special Certificate not herein-before provided for -						

3.—General Rules.

If any Building contain more than 216,000 Cubic Feet, then for every additional 216,000 Cubic Feet, or fractional Part of 216,000 Cubic Feet, in such Building beyond the first 216,000 Cubic Feet, an additional Fee equal to One Half of the Fee above provided in respect of such Building is to be paid.

If Two or more Building Operations are in progress in the same Building, or in any Building and any attached or detached Office Buildings belonging thereto, at the same Time, for which Operations, if executed separately, separate Fees would be payable, One Fee only, being the highest of such separate Fees, is to be paid, except in so far as it is expressly declared that any of the foregoing Fees are to be paid in addition to any other Fee.

Wherever any Fee, not exceeding a certain Amount, is in this Schedule required to be paid, such Amount is to be paid, if charged by the District Surveyor, unless, by a special Order in that Behalf, the Court of Metropolitan Buildings shall adjudge that any less Amount is proper in the particular Case.

5 June 1851. 14 Vict.



A

# B I L L

FOR

Further improving the Police in and near the  
Metropolis, and within the City of London  
and the Liberties thereof.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS in the Tenth Year of the Reign of His late Majesty King George the Fourth an Act was passed, intituled “An Act for improving the Police in and near the Metropolis:” And whereas by an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled “An Act for further improving the Police in and near the Metropolis,” it was enacted, that every Person should be liable to a Penalty not more than Forty Shillings who within the Limits of the Metropolitan Police District should in any Thoroughfare or public Place commit any of the Offences therein in that Behalf specified: And whereas in the same Year of the Reign of Her present Majesty another Act was passed, intituled “An Act for regulating the Police in the City of London,” containing a similar Provision: And whereas serious Inconvenience has been occasioned to the Public, and numerous Accidents have been caused, by Carts and other Vehicles used for the Purpose of exhibiting Advertisements and other Placards, and by Placards carried on Poles, on Foot or on Horseback, and also by Street Musicians, and the Penalties imposed by the said recited Acts are

Preamble.  
10 G. 4. c. 44.  
2 & 3 Vict.  
c. 47.  
2 & 3 Vict.  
c. xciv.  
(Loc. & Per.)

373. not

not at present applicable to such Cases: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Prohibiting  
Advertising  
Vans, &c.

I. That every Person who, within the Limits of the Metropolitan Police District, or within the City of London and the Liberties thereof, shall, in any Thoroughfare or public Place, draw or cause to be drawn, by any Animal or otherwise, any Carriage, Cart, Van, Sledge, Truck, Barrow, or other Vehicle whatsoever, for the Purpose of exhibiting and exhibiting thereupon any Advertisement or other Placard, or who within the same Limits shall lead or ride any Horse or other Animal carrying and exhibiting any Advertisement or other Placard, or who shall himself carry, or cause to be carried, on Foot or by any other Means, any Advertisement or other Placard.

Prohibiting  
Street  
Music, &c.

II. And every Person who, within the Limits of the Metropolitan Police District, or within the City of London and the Liberties thereof, shall, in any Thoroughfare, Street, Alley, or other public Place, sound or play on any Musical or other noisy Instrument, for the Purpose of calling Persons together, or of announcing any Sale, Show, or Entertainment, or for the Purpose of hawking, selling, or distributing any Article whatsoever, or of obtaining any Money or Alms, shall be liable to a Penalty not more than *Forty Shillings*.

Constable to  
take into Custody  
without Warrant any  
Persons  
offending  
against this  
Act.

III. And it shall be lawful for any Constable belonging to the Metropolitan Police Force to take into Custody within the Metropolitan Police District, without Warrant, and for any Constable belonging to the City Police Force also to take into Custody within the City of London and the Liberties thereof, without Warrant, any Person who shall commit any Offence against this Act within View of any such Constable within their Districts respectively.

Recited Acts  
and this Act  
to be construed  
as  
One Act.

IV. And this Act shall be construed as One Act with the said Act passed in the Tenth Year of the Reign of King George the Fourth, for the Improvement of Police in and near the Metropolis, and with the said Act passed in the Second and Third Years of the Reign of Her present Majesty, for the further improving the Police in and near the Metropolis; and that all the Provisions of the said Acts, except so far as is herein otherwise provided, shall extend to this Act, and to all Things done in execution of this Act,



**Metropolis Police.**

A

**B I L L**

For further improving the Police in and near the Metropolis, and within the City of London and the Liberties thereof.

(*Prepared and brought in by  
Colonel Sibthorp and Mr. Arkwright*).

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*Ordered, by The House of Commons, to be Printed,  
5 June 1851.*

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373.

*Under 1 oz.*

# Metropolis Water Bill.

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## ARRANGEMENT OF CLAUSES.

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### Preamble.

Water Companies mentioned in Preamble united into One Body as  
“ The Metropolitan Water Company ;” Sect. 1.

Places to be supplied with Water by the united Company ; 2.

Acts in Schedule (A.) repealed ; 3.

Rights, Property, Debts and Credits, Conveyances, Contracts, &c. of  
the dissolved Companies transferred to the united Company ; 4, 5.

No Abatement of Actions ; 6.

Books to be Evidence ; 7.

Accountability of existing Officers ; 8.

Amount of consolidated Capital ; 9.

Allotment of Capital ; 10.

“ Register of Holders of consolidated Stock ” to be kept ; 11.

Stock to be Personal Estate ; 12.

Power to borrow ; 13.

Mortgage Debts of dissolved Companies to have Priority of Charge  
on the Rates now charged therewith ; 14.

Times for holding General Meetings ; 15.

General Meetings may make Byelaws ; 16.

Printed Copy of Byelaws to be sufficient Evidence ; 17.

Appointment of Directors ; 18.

No Money to be issued without an Order by the Directors ; 19.

United Company empowered to purchase Land ; 20.

United Company empowered to sell Lands, &c. not wanted ; 21.

Providing for the Purity of the Water to be supplied ; 22, 23.

Provision with respect to a constant Supply of Water for domestic  
Purposes ; 24.

Supply of Water for cleansing Sewers, &c. and for other public Pur-  
poses ; 25.

Suspension of Dividends in case Directions of Secretary of State or of  
this Act not complied with ; 26.

Amount of Rates ; 27.

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Dividends



Dividends not to exceed Five per Cent. until existing Rates reduced to Scale in Schedule (B.), and not at any Time to exceed Six per Cent. ; 28.

Treasury to certify Reduction of existing Rates ; 29.

Rates to be reduced when the Profits are more than sufficient to pay the Amount of Dividend authorized ; 30.

For enforcing Reduction of Rates ; 31.

The Treasury may cause Inspection of Books and Examination of Officers ; 32.

Accounts to be audited ; 33.

Abstract of Accounts to be sent to Treasury, and laid before Parliament ; 34.

Churchwardens, &c. may require Inhabitants to procure a Supply of Water where it can be supplied, with Consent of Vestry, at a Rate not exceeding 2*d.* per Week, and in default they may do the Works, and levy Rates for Repayment ; 35.

Treasury empowered to purchase the Property, &c. of the Company ; 36.

Incorporation of Parts of Companies Clauses Consolidation Act ; 37.

Lands Clauses Consolidation Act, 1845, (8 & 9 Vict. c. 18.) incorporated with this Act ; 38.

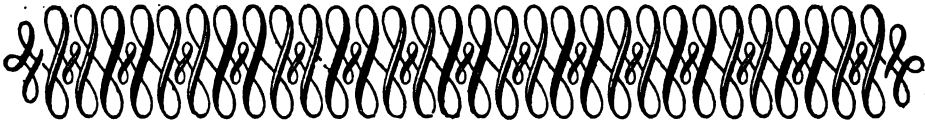
Incorporation of Waterworks Clauses Act ; 39.

Interpretation Clause ; 40.

SCHEDULES.

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1 May 1851. 14 VICT.



A

# B I L L

FOR

## The better Supply of Water to the Metropolis.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS the Cities of London and Westminster, and the Preamble,  
Borough of Southwark, and certain Parishes and Places  
adjacent thereto, are at present supplied with Water by  
Nine Companies; namely,—

- 5 The Governor and Company of the New River, brought from  
Chadwell and Amwell to London, commonly called “The New  
River Company”;  
The Company of Proprietors of the East London Waterworks;  
The Southwark and Vauxhall Water Company;  
10 The West Middlesex Waterworks Company;  
The Lambeth Waterworks Company;  
The Governor and Company of Chelsea Waterworks;  
The Grand Junction Waterworks Company;  
The Company of Proprietors of the Kent Waterworks; and,  
15 The Hampstead Waterworks Company:

And whereas it would be advantageous to the Public that the said  
Companies should be united, and form One Company, and that the  
united Company should be subject to such Control in respect of  
the Supply of Water to the Metropolis, and the Rates to be levied  
20 by such Company, as may be provided by Parliament: Be it there-  
249. A fore

fore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Existing Companies dissolved, and Shareholders to form "The Metropolitan Water Company."

I. From and after the *Thirtieth Day of September One thousand eight hundred and fifty-one* the Nine Companies mentioned in the Preamble to this Act shall be dissolved, and the several Persons and Corporations who on such Day may be Proprietors of Shares of or in the said dissolved Companies respectively, or of or in the several Capitals or Joint Stocks thereof, shall be One Body Politic and Corporate, by the Name of "The Metropolitan Water Company," for making, maintaining, and continuing all such Works and Conveniences as the said dissolved Companies or any of them are now authorized to make, maintain, or continue, and also all such other Works and Conveniences as may be necessary or convenient for conveying and bringing a sufficient Supply of Water to the Places which the Metropolitan Water Company are by this Act authorized to supply, and the Metropolitan Water Company shall by that Name have perpetual Succession and a Common Seal, and shall sue and be sued, and have Power and Authority (without Licence in Mortmain) to take, purchase, and hold Lands for the Purposes of this Act.

United Company to supply Water to the Metropolis.

II. It shall be lawful for the said Metropolitan Water Company, subject to the Conditions, Restrictions, and Regulations herein-after contained, to supply with Water all Places and Parts which all or any of the said dissolved Companies are now authorized to supply with Water.

Acts in Schedule (A.) repealed.

III. From and after the *Thirtieth Day of September One thousand eight hundred and fifty-one* the several Acts mentioned in Schedule (A.) to this Act shall be repealed: Provided nevertheless, that the repealing of the said Acts shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Contract, Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, or executed under or by virtue of the said Acts or any of them, but all such Purchases, Sales, Conveyances, Grants, Contracts, Securities, Acts, Matters, and Things shall be as good, valid, and effectual as if the said Acts had not been repealed: Provided also, that, except as is herein otherwise specially provided, and except so far as the same may be repugnant to the Provisions of this Act, nothing herein contained shall extend in any way to defeat, affect, or prejudice any Rights, Powers, Easements, Accommodations, or Exemptions which, under or by virtue of the said Acts or any of them, are given, continued, or reserved to or for the Benefit of any Persons or Corporations

rations whose Estates or Interests are, have been, or may be affected by the making or maintaining or otherwise on account of the Works by the same Acts respectively authorized to be made and maintained, or to which such Persons or Corporations are or may be, 5 or but for the Repeal of the said Acts would have been, otherwise entitled, and such several Persons and Corporations shall and may have and be entitled to such or the like Remedies against the said Metropolitan Water Company, for securing the Possession, Use, and Enjoyment of such Rights, Powers, Easements, Accommodations, and 10 Exemptions, as under the Provisions of the said Acts they would or might have been entitled to against the said dissolved Companies or any of them in case the said Acts had not been repealed.

IV. From and after the said *Thirtieth Day of September One* 15 *thousand eight hundred and fifty-one* all Land, and all Streams, Waters, Aqueducts, Reservoirs, Basins, Tanks, and Rights in relation to Land, and all Watermains, Pipes, Branches, Engines, Machinery, Plant, and Works, and all Monies, Goods, Chattels, Effects, Bonds, Deeds, Securities, Books, Maps, Plans, and Writings, and all other Property whatsoever, which on the said *Thirtieth Day of September* 20 *One thousand eight hundred and fifty-one* may belong to the said dissolved Companies, and all Rights of drawing Water from the River Thames, the River Lea, or elsewhere, and all Rights auxiliary thereto, and all other Powers, Liberties, Rights, and Privileges for or in relation to the procuring or the Supply of Water then vested in or 25 exercisable by such Companies under the said repealed Acts or otherwise, shall, subject to the Provisions of this Act, belong to, be vested in, and be exercisable by the said Metropolitan Water Company, subject to the Provisions herein-after contained.

Property of dissolved Companies transferred to united Company.

V. All Persons and Corporations who shall on the said *Thirtieth* 30 *Day of September One thousand eight hundred and fifty-one* owe, or would, if this Act had not been passed, have been liable to pay, any Money to the said dissolved Companies or any of them, shall pay the same to the said Metropolitan Water Company, and all Monies which the said dissolved Companies respectively shall on the said 35 *Thirtieth Day of September One thousand eight hundred and fifty-one* owe, or would, if this Act had not been passed, have been liable to pay, shall be paid by and recoverable from the said Metropolitan Water Company, and all Conveyances, Contracts, Agreements, Bonds, Covenants, and Securities made or entered into on or before the said 40 *Thirtieth Day of September One thousand eight hundred and fifty-one* to, with, or in favour of or by or for the said dissolved Companies or any of them, or any Person on behalf of such Companies or any of them, shall be and remain as good, valid, and effectual in favour of,

Debts owing to and by dissolved Companies transferred to united Company.

Transfer of Conveyances, Contracts, &c. to united Company.

of, against, and with reference to the said Metropolitan Water Company, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if the said Metropolitan Water Company had been a Party to and executed the same, and had been named and referred to therein instead of the said dissolved Companies 5 or any of them.

Actions not  
to abate.

VI. No Action, Suit, Indictment, Information, or other Proceeding, at Law or in Equity, had, commenced, or taken on or before the said *Thirtieth Day of September One thousand eight hundred and fifty-one* by or against any of the said dissolved Companies shall abate or be 10 discontinued or be prejudicially affected by this Act, but the same shall continue and take effect, both in favour of and against the said Metropolitan Water Company, in the same Manner in all respects as the same would have continued and taken effect in relation to the said dissolved Companies or any of them if this Act had not been 15 passed, and all Penalties incurred by any Offence against the Provisions of the said Acts or any of them on or before the said *Thirtieth Day of September One thousand eight hundred and fifty-one* may be sued for, and all Offences which may have been committed on or before such last-mentioned Day against the Provisions of the said 20 Acts or any of them may be prosecuted, in such and the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act had not been passed, the said Metropolitan Water Company being in reference to the Matters aforesaid in all respects substituted for the said dissolved Companies 25 or any of them.

Books to be  
Evidence.

VII. All Books and other Documents by the said Acts or any of them authorized or directed to be kept, and which would have been Evidence if this Act had not been passed, shall be still admitted as Evidence in all Courts of Law and Equity and elsewhere. 30

Existing  
Officers to  
account.

VIII. All Officers and Persons who after the said *Thirtieth Day of September One thousand eight hundred and fifty-one* shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects belonging to the said dissolved Companies or any of them, or to which such Companies 35 respectively may be entitled, shall be liable to account for and deliver up the same to the said Metropolitan Water Company, or to such Person or Persons as they may appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as though such Officers or Persons had been 40 appointed by and become possessed of such Money, Books, Documents,

ments, Papers, Writings, or other Effects for the said Metropolitan Water Company.

IX. The Capital of the Company shall consist of a consolidated Capital Stock of an Amount equal to the aggregate of the several Sums of such Stock, to be allotted as herein-after mentioned to the said Companies to be dissolved under this Act, and shall be considered as paid-up Stock, and be divided among the Persons and Corporations constituting the said Metropolitan Water Company as herein-after provided.

X. Such Sum of the said consolidated Capital Stock as shall be determined by Arbitration, as herein-after mentioned, to be the just Price or Consideration for the Waterworks, Land, Machinery, Property, and Rights of each of the said Companies to be dissolved, shall be allotted to such respective Company; and the Amount of such Stock to be allotted to each Company shall be determined by Arbitration, to be made between the Commissioners of Her Majesty's Treasury and each Company separately, with all convenient Speed after the passing of this Act, according to the Provisions of "The Lands Clauses Consolidation Act, 1845," applicable to the Settlement by Arbitration of Questions of disputed Compensation, such Provisions being for the Purposes of this Act read as if the Commissioners of Her Majesty's Treasury were substituted therein for the Promoters of the Undertaking (the Costs of every such Arbitration to be borne by the Metropolitan Water Company); and the Sums of Capital Stock of the said Metropolitan Water Company allotted as aforesaid to the said Companies respectively shall be the Property of the Persons or Corporations who on the said *Thirtieth Day of September One thousand eight hundred and fifty-one* shall be Shareholders in the said Companies, rateably in proportion to the Number of Shares in the said Companies held by them respectively.

Stock to be  
allotted  
among dis-  
solved Com-  
panies by  
Arbitration.

XI. The said Metropolitan Water Company shall from Time to Time cause the Names of the several Parties who may be interested in such Stock, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for that Purpose, and to be called "The Register of Holders of Consolidated Stock;" and such Book shall be accessible at all seasonable Times to the several Holders of such Stock.

Register of  
Holders of  
Stock to be  
kept.

XII. The Capital Stock of the said Metropolitan Water Company, and the Interests of all Proprietors of such Company in such Stock, shall be Personal Estate, and be transmissible as such.

Stock to be  
Personal  
Estate.

XIII. It shall be lawful for the said Metropolitan Water Company to borrow on Mortgage such Sums of Money as the said Company shall from Time to Time, by Order of a General Meeting of the said Company, be authorized to borrow, not exceeding in the whole *Two million Pounds*, and for securing the Payment of the Money so to be 5 borrowed, with Interest, to mortgage the Rates and Rents of the said Metropolitan Water Company.

XIV. And whereas certain of the said dissolved Companies are indebted to several Persons, by way of Mortgage or like Securities, in several Sums of Money, namely :

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The said Sums of \_\_\_\_\_ and the Interest thereof, shall be paid by the said Metropolitan Water Company, and until so paid shall be and remain a Charge upon all Land, Property, 20 and Effects, Rates and Rents, now charged, or which would if this Act had not been passed have been charged therewith respectively, and that with Priority over any Mortgages or Securities to be created under the Authority of this Act ; and the several Persons to whom the said Sums of \_\_\_\_\_ shall be due and owing 25 shall and may have, possess, and enjoy the same Powers and Remedies against the said Metropolitan Water Company, for the Recovery and enforcing Payment of such Monies and Interest, as they might have had, possessed, or been entitled to or have exercised against the Company by whom their respective Mortgages or Securities were 30 granted in case this Act had not been passed ; and the said Sums of \_\_\_\_\_ or so much thereof as for the Time being may remain unpaid, shall, for the Purpose of determining the Amount which the said Metropolitan Water Company are authorized to borrow under this Act, be deemed to form Part of the said Sum of *Two* 35 *million Pounds* ; and, unless for the Purpose of paying off such several Debts, or until the same be paid off, it shall not be lawful for the said Metropolitan Water Company to raise on Mortgage any greater Portion of the Sum of *Two million Pounds* hereby authorized to be raised by them than would leave a sufficient Sum 40 to pay off such several Debts, or the Residue thereof remaining unpaid.

## XV. The

XV. The First General Meeting of the Proprietors of the Company shall be held at such Time within Twelve Months next after the *Thirtieth Day of September One thousand eight hundred and fifty-one* as may be appointed by the Directors, between the Hours of Ten o'Clock in the Forenoon and Two of the Clock in the Afternoon, and the future General Meetings of the said Company shall be held on the *First Wednesday* in the Months of February and August in each and every Year, or within the Space of *Fourteen* Days next following.

First and  
other General  
Meetings.

XVI. It shall be lawful for the Company from Time to Time at any General Meeting, whether ordinary or extraordinary, to make such Byelaws as to them may seem right and proper, for the good Government and Management of the Works and Affairs of the Company, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Works and Affairs of the Company, and also for regulating the Mode in which Pipes for the Supply of Water for domestic or other Purposes may be connected with the Mains or Services of the Company, and regulating the Apparatus employed within any Premises receiving such Supply for the Reception, Storing, or Distribution of such Supply, and from Time to Time to alter or repeal such Byelaws or any of them, and to make others, and the Company may by such Byelaws impose such reasonable Penalties upon Persons offending against the same as the Company think fit, not exceeding the Sum of *Five Pounds* for every Offence, but so that every such Byelaw be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or Part only of such Penalty to be paid: Provided always, that no Byelaw of the Company shall be of any Force or Effect until the same has been approved under the Hand of One of Her Majesty's Principal Secretaries of State; and all such Byelaws shall be under the Common Seal of the Company, and printed, and a Copy thereof shall be hung up and affixed in some conspicuous Part of the principal Office of the Company, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and a Copy thereof shall be delivered to any Person applying for the same, on Payment of such Sum, not exceeding *Sixpence*, as the Company shall direct; and such Byelaws, when approved, and published as aforesaid, shall be binding upon and observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

General  
Meetings  
may make  
Byelaws.

XVII. The Production of a printed Copy of such Byelaws, authenticated by the Seal of the Company, shall be Evidence of the making, Approval, Publication, and Existence of such Byelaws,

Evidence of  
Byelaws.



in all Prosecutions under the same, without adducing Proof of the Seal of the Company, or of the making, Approval, or Publication of such Byelaws.

Appointment  
of Directors.

XVIII. The Number of the Directors of the Company shall be Twelve, and no Person shall be capable of being a Director of the Company unless he be possessed of *Two Thousand Pounds* of the Capital Stock of the Company; and the following Persons shall be the First Directors of the Company;

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Money not  
to be issued  
without an  
Order by the  
Directors.

XIX. No Sum or Sums of Money shall be issued by any Officer or Officers of the Company without an Order or Orders in Writing made at the Meeting of the Directors, and signed by the Chairman of such Meeting and Two other Directors present at such Meeting.

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Company  
empowered  
to purchase  
Land.

XX. It shall be lawful for the Company to purchase by Agreement or take on Lease any Streams, Springs, Lands, Rights, or Easements which they may deem necessary for the Purposes of this Act.

Power to  
Company to  
sell Lands  
not wanted.

XXI. It shall be lawful for the Company to sell and dispose of any Lands or other Property vested in them by virtue of this Act, or acquired by them under the Powers herein contained, or any Part thereof, which it may appear to the Company may not be wanted for the Purposes of this Act, and for completing and carrying any such Sale into effect the Company may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct, and such Conveyance shall be under the Seal of the Company; and the Word "grant" in such Conveyance shall have the same Operation as by "the Lands Clauses Consolidation Act, 1845," is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking, and a Receipt under the Hands of Three Directors of the Company shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and the Money to arise from such Sale shall be applied to such of the Purposes of this Act as the said Company shall think fit.

40

XXII. And

XXII. And whereas Inquiries into the Quality of the Water at present supplied to the Metropolis, and the Sources whence a better Supply may be procured, has been made by Commissioners appointed by Her Majesty in this Behalf, and by the General Board of Health: And whereas further Inquiries of a like Nature are in course of being made, and it is expedient that the Water supplied to the Metropolis should be such as from the Result of the said Inquiries may appear to be the most eligible:

It shall be lawful for One of Her Majesty's Principal Secretaries of State, from Time to Time by Writing under his Hand, to direct the Company to procure Water from any new Sources which to such Secretary of State may seem proper, and to discontinue to take Water from any existing Sources which to him may appear objectionable, and generally to direct from what Sources the Water to be supplied by the Company shall be procured, and to give such Directions for purifying and improving such Water, by Filtration or otherwise, as he may think fit.

Secretary of State may give Directions concerning Quality of Water.

XXIII. On receiving such Direction as aforesaid the Company shall with all convenient Speed take the necessary Measures for giving effect to the same; and for this Purpose the Company shall, where Occasion may require, cause Surveys to be made, and detailed Plans and Estimates to be prepared, and if for the Execution of such Plans the Aid of Parliament is required, then the Company shall give the requisite Notices of their Intention to apply to Parliament, and shall prepare and prosecute a Bill to obtain the Powers necessary to carry the said Plans into effect: Provided always, that before such Application to Parliament the said Plans and Estimates shall be approved by the said Secretary of State.

Company to carry Direction into execution.

XXIV. The Company shall with all convenient Speed do all Acts necessary for affording to the Houses supplied by them a constant Supply of Water for domestic Purposes: Provided always, that it shall not be incumbent on the Company to afford a Supply of Water to any House in which the Pipes, Cocks, Cisterns, Machinery, and Arrangements of all Kinds for the Reception and Distribution of Water shall not be constructed and maintained agreeably to the Regulations which the Company, with the Approval of the said Secretary of State, may, by their Byelaws as herein provided, make in that Behalf; and provided also, that the said Company may, with the Approval of the said Secretary of State, suspend the giving such constant Supply, or give the same in such Succession to the different Districts supplied with Water by the Company as they may judge expedient.

Provision concerning a constant Supply.

Supply of  
Water to be  
kept for  
cleansing  
Sewers,  
Drains, &c.,  
and for other  
public Pur-  
poses.

XXV. The Company shall provide and keep constantly laid on, unless prevented by unavoidable Accident or during necessary Repairs, a sufficient Supply of Water for the following Purposes ; (that is to say,) for cleansing the Sewers and Drains, for cleansing and watering the Streets, and for supplying Public Baths or Wash- 5 houses, and for such other Purposes conducive to the Preservation of the Public Health of the Inhabitants of the Metropolis as One of Her Majesty's Principal Secretaries of State may from Time to Time direct ; and such Supply shall be provided at such Rates, in such Quantities, and upon such Terms and Conditions as the Commis- 10 sioners of Her Majesty's Treasury may direct.

Her Majesty,  
by Order in  
Council, may  
suspend  
Dividends  
where Di-  
rections of  
the Secretary  
of State or  
of this Act  
are not com-  
plied with.

XXVI. In case it appear to Her Majesty in Council, upon the Representation of One of Her Majesty's Principal Secretaries of State, that the Company have neglected to proceed with due Dili- 15 gence to give effect to any such Direction as aforesaid of such Secretary of State or of this Act, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to order that no further Dividend shall be declared by the Company until it shall be certified to Her Majesty by One of Her Majesty's Principal Secre- 20 taries of State that the Company are proceeding with due Diligence to give effect to such Direction : Provided always, that Notice of such Representation shall be given to the Company Fourteen Days before the Time when it shall please Her Majesty to order the same to be taken into consideration ; and after the making of such Order it shall not be lawful for the Company to declare any Dividend until 25 such Secretary of State has certified to Her Majesty that the Company are proceeding with due Diligence to give effect to such Direction as aforesaid.

Amount of  
Rates.

XXVII. Subject to the Provisions for the Reduction of Rates herein- 30 after contained, the said Metropolitan Water Company may demand and recover, in respect of the Supply of Water in the Districts now supplied by the said dissolved Companies respectively, such Rates not exceeding the Rates now lawfully charged in such Districts respectively by such Companies as the said Metropolitan Water Company may 35 think fit.

Company not  
to pay a  
Dividend of  
more than  
Five per  
Cent. until  
existing  
Rates re-  
duced to  
Scale in  
Schedule

XXVIII. It shall not be lawful for the Company to declare or pay in any Year Dividends to any greater Amount in the whole than after the Rate of *Five Pounds* for every One hundred Pounds of the Capital Stock of the Company, until the Rates payable in respect of Water supplied by the Company are reduced to or below 40 the Scale set forth in Schedule (B.) to this Act, and such Certificate of such Reduction has been made as herein-after mentioned ; and

and after such Reduction it shall not be lawful for the Company to declare or pay in any Year Dividends to any greater Amount in the whole than after the Rate of *Six Pounds* for every One hundred Pounds of the Capital Stock of the Company.

(B.), and not at any Time to pay a Dividend of more than Six per Cent.

- 5 XXIX. When the Rates payable to the Company are reduced to or below the Scale mentioned in Schedule (B.) to this Act, it shall be lawful for the Company to report the same to the Commissioners of Her Majesty's Treasury, and to require a Certificate of such Reduction having been made, and such Commissioners, if they  
10 be satisfied of the Fact of such Reduction, shall give a Certificate in Writing to that Effect.

Treasury to certify Reduction of existing Rates.

- XXX. Whensoever the Profits of the Company, after Payment of the current Expenses of what Nature soever necessary for carrying on and maintaining their Works and affording a Supply of Water to  
15 all Places supplied by the Company, and the Interest of the Debts for the Time being secured on Mortgage or like Securities and owing by the Company, are more than sufficient for the Payment of Dividends at the Rate of *Five Pounds* per Annum for every One hundred Pounds of the Capital Stock of the Company, the Rates  
20 payable to the Company shall be from Time to Time reduced, so far as the surplus Profits may admit, until they are reduced to or below the Scale set forth in Schedule (B.) to this Act; and where there is Inequality in the Amount of the Rates payable in the several Districts supplied by the said dissolved Companies as aforesaid by  
25 reason of the different Rules or Principles according to which Rates were charged by such several Companies, or otherwise, the Reduction shall from Time to Time be first made where the Rates are for the Time being the highest, so as to equalize as nearly as may be all such Rates; and so soon as the Profits of the said Company, after  
30 Payment of such Expenses and Interest as aforesaid, are more than sufficient for the Payment of Dividends at the Rate of *Six Pounds* per Annum for every One hundred Pounds of the Capital Stock of the Company, the Rates payable to the Company shall be from Time to Time reduced so far as the surplus Profits may admit.

Provision for the Reduction of Rates when the Profits are more than sufficient to pay the Amount of Dividend hereby authorized.

- 35 XXXI. For enforcing a due Reduction of the Rates payable to the Company so often as the same should be reduced according to the Provisions of this Act, so often as it may appear to the Commissioners of Her Majesty's Treasury that the Receipts of the Company, after making due Allowance for necessary Expenses, and Interest as  
40 aforesaid, are more than sufficient for the Payment of the Dividends for the Time being authorized by this Act to be declared by the Company, and that the Company, by reason of unnecessary Expenditure

Provision for enforcing Reduction of Rates.

diture or otherwise, have not proceeded to reduce their Rates, according to the Intent of this Act, it shall be lawful for the said Commissioners to revise the Rates charged by the Company, and to fix such Scale of Rates as may appear to such Commissioners proper for effecting the Reductions of Rates directed by this Act, and to fix 5 the Time from which such Scale shall take effect, and such Scale as may for the Time being be so fixed, and the Time from which the same is to take effect, shall be published in the London Gazette ; and where any Scale of Rates is so fixed and published by the said Commissioners it shall not be lawful for the Company, after the 10 Time from which such Sale is to take effect, to require Payment of any higher Rates than such as are prescribed by such Scale.

Power to the Treasury to cause Inspection and Examination of Books and Officers.

XXXII. It shall be lawful for the said Commissioners from Time to Time to cause Inspection of the Books and Accounts and Examination of the Officers of the Company to be made, and to take 15 such other Steps as they may think proper for ascertaining all such Particulars in relation to the Receipts and Expenditure of the Company, and the Necessity or Propriety of such Expenditure, and the Conduct and Management of the Business thereof, as such Commissioners may think necessary. 20

Accounts to be audited by Auditors of Public Accounts.

XXXIII. The Accounts of the Company shall be examined and audited by the Commissioners for auditing the Public Accounts of this Kingdom, and such Commissioners shall, in examining, trying, and auditing the Accounts of the said Company, have all the Powers which are vested in them by Law for examining, trying, and auditing 25 the said Public Accounts.

Account in abstract to be sent to the Treasury, and laid before Parliament.

XXXIV. The Company shall in the Month of January in each Year send to the Commissioners of Her Majesty's Treasury an Account in abstract showing the Receipt and Expenditure of such Company for the preceding Year, under the several distinct Heads 30 of Receipt and Expenditure, with the Statement of the Allowance of the Auditors if they have allowed such Accounts, or of the Parts, if any, which they have disallowed of such Accounts, and also a Statement of all Monies owing to and Debts owing by the said Company on the Thirty-first Day of December next preceding ; 35 and every such Account in abstract and Statement shall be laid before both Houses of Parliament within One Month after Receipt thereof by such Secretary of State, if Parliament be sitting, or if Parliament be not sitting then within One Month after the next Meeting of Parliament. 40

XXXV. If

- XXXV. If it appear to the Churchwardens or Overseers of the Poor of any Parish that any House in such Parish is without a proper Supply of Water, and that such a Supply of Water can be furnished thereto at a Rate not exceeding *Twopence* per Week, conformably with the Scale of Rates authorized to be charged by the Company, after making the Allowance of *Twenty* per Cent. herein-after mentioned, the said Officers shall, with the Consent of the Vestry of the said Parish, give Notice in Writing to the Occupier, requiring him, within a Time to be specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with, the said Officers may, with the Consent aforesaid, do such Works and obtain such Supply accordingly, and make and levy Water Rates upon the Premises, not exceeding in the whole the Rate of *Twopence* per Week, and may make and levy such further Rate as will repay in such Space of Time as may be determined by the said Vestry the Expense of laying on the said Supply; and the said Rates for Water, and for Expenses of laying on the Supply thereof, shall be recoverable in like Manner, and with the same Remedies for Nonpayment, as Rates for the Maintenance of the Poor are by Law recoverable in such Parish; and the Company shall, upon the Requisition of the Churchwardens or Overseers of the Poor, supply with Water any such House or Houses, and the Rates of such House or Houses shall be due and payable by the said Churchwardens or Overseers, and upon such Payment the Company shall make an Allowance of *Twenty* per Cent.

Parish Officers with Consent of Vestry may require Inhabitants to procure Supply of Water where it can be furnished at a Rate not exceeding 2d. per Week.

- XXXVI. It shall be lawful for the said Commissioners, in case at any Time hereafter Money should be provided by Parliament for that Purpose, to purchase the Property, Works, and Rights of the Company, upon giving to such Company *Six Months* Notice in Writing, and upon Payment out of such Monies as may be so provided by Parliament of a Sum computed after the Rate of *One hundred and twenty-five Pounds* for every One hundred Pounds of the Capital Stock of the Company.

Treasury may purchase the Property, Works, and Rights of the Company.

- XXXVII. The Clauses and Provisions of the Companies Consolidation Act, 1845, concerning the "Shareholders Address Book," and concerning "Certificates of Shares," "with respect to the Transfer or Transmission of Shares," "with respect to the borrowing of Money by the Company on Mortgage or Bond," "with respect to the General Meetings of the Company, and the Right of voting by the Shareholders," "with respect to the Appointment and Rotation of Directors," "with respect to the Powers of the Directors and the Powers of the Company to be exercised only in General Meeting,"

Incorporation of Companies Clauses Consolidation Act.

“ Meeting,” “ with respect to the Proceedings and Liabilities of the  
 “ Directors,” “ with respect to the Accountability of the Officers of  
 “ the Company,” “ with respect to the keeping of Accounts, and the  
 “ Right of Inspection thereof by the Shareholders,” “ with respect to  
 “ the making of Dividends,” and “ with respect to the giving of 5  
 “ Notices,” shall, subject to the Provisions of this Act, be incor-  
 porated with this Act ; and where any of such Clauses and Provisions  
 have reference to Shares, the same shall for the Purposes of this  
 Act be read and construed as having reference to the Interest of  
 any Shareholder of the said Metropolitan Water Company in the 10  
 consolidated Stock of such Company, and the Provisions concerning  
 Transfer of Shares shall be construed to authorize the Transfer of  
 all or any Part of the Interest of any such Shareholder in such  
 Stock ; and the Provision prescribing the Scale of Voting according  
 to which Shareholders shall vote shall be construed as if every entire 15  
 Sum of One hundred Pounds of such Stock were One Share in the  
 Capital of such Company.

Incorporation of  
 Lands  
 Clauses  
 Consolidation Act,  
 1845.  
 (8 & 9 Vict.  
 c. 18.)

XXXVIII. “ The Lands Clauses Consolidation Act, 1845,” except  
 the Clauses of that Act “ with respect to Lands acquired by the  
 Promoters of the Undertaking, but which shall not be required for 20  
 the Purposes thereof,” “ with respect to the Recovery of Forfeitures,  
 Penalties, and Costs,” and “ with respect to the Provision to be made  
 for affording Access to the Special Act by all Parties interested,”  
 shall be incorporated with this Act, and for the Purposes of this Act  
 the Expression “ the Promoters of the Undertaking,” wherever used 25  
 in the said Lands Clauses Consolidation Act, shall mean the said  
 Metropolitan Water Company.

Incorporation of  
 Waterworks  
 Clauses Act.

XXXIX. The “ Waterworks Clauses Act, 1847,” except the  
 Clauses of that Act “ with respect to the Amount of Profit to be  
 received by the Undertakers when the Waterworks are carried on for 30  
 their Benefit,” “ with respect to the yearly Receipt and Expenditure  
 of the Undertakers,” and “ with respect to Access to the Special  
 Act,” shall except so far as the same is inconsistent with the Provi-  
 sions of this Act, and subject to such Provisions, be incorporated  
 with this Act, and be applicable to the Purposes of this Act, and the 35  
 Expression “ the Undertakers,” when used in the said Waterworks  
 Clauses Act, shall for the Purposes of this Act mean “ The Metro-  
 politan Water Company.”

Interpreta-  
 tion Clause.

XL. In the Construction of this Act the Expression “ the Com-  
 pany” shall mean the Metropolitan Water Company, unless there 40  
 be something in the Context repugnant to or inconsistent with such  
 Construction.

SCHE.

**SCHEDULES** referred to in the foregoing Act.

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**SCHEDULE (A.)**

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**NEW RIVER.**

An Act for ascertaining, preserving, and improving the Navigation 12 G. 2. c. 32.  
of the River Lee, from the Town of Hertford to the Town of Ware  
in the County of Hertford, and for preserving and improving the said  
River from the said Town of Ware to the Cut or River made by the  
Mayor, Commonalty, and Citizens of London; and for enabling the  
Governor and Company of the New River the better to supply  
the Cities of London and Westminster and the Liberties and Suburbs  
thereof with good and wholesome Water.

An Act for removing the Waterworks at London Bridge. 3 G. 4. c. 109.

**EAST LONDON.**

An Act for better supplying with Water the Inhabitants of the 47 G. 3. c. 72.  
Parishes of Stratford Bow otherwise Stratford-le-Bow, Saint John  
Hackney, Saint Mary Islington, Saint Matthew Bethnal Green, and  
several other Parishes, Hamlets, Townships, and Places adjacent or  
near thereunto, in the Counties of Middlesex and Essex.

An Act to enable the Company of Proprietors of the East London 48 G. 3. c. 8.  
Waterworks to purchase certain other Waterworks; and to amend  
an Act of the Forty-seventh Year of His present Majesty relating to  
the said East London Waterworks.

An Act for better supplying the East London Waterworks with 10 G. 4. c. 117.  
Water; and amending the several Acts relating to the said Water-  
works.

**SOUTHWARK AND VAUXHALL.—VAUXHALL COMPANY.**

An Act for better supplying with Water the Borough of South- 4 & 5 W. 4.  
wark and Parishes and Places in the County of Surrey near thereto. c. 79.

An Act for uniting the Vauxhall and Southwark Water Companies 8 & 9 Vict.  
into One Company, to be called “The Southwark and Vauxhall c. 49.  
Water Company,” and for extending the Works of the said Company.

249.

E

WEST



## WEST MIDDLESEX.

- 46 G.3.c.119. An Act for supplying with Water the Inhabitants of Kensington, Hammersmith, Brentford, Battersea, Putney, Richmond, and several other Parishes and Places in the Counties of Middlesex and Surrey.
- 50 G.3.c.132. An Act to enable the Company of Proprietors of the West Middlesex Waterworks to raise a further Sum of Money; and to alter, vary, amend, and enlarge the Powers of the Act passed in the Forty-sixth Year of His present Majesty, for making the said Waterworks, and for extending the same.
- 53 G.3.c.36. An Act to authorize the Company of Proprietors of the West Middlesex Waterworks to raise a further Sum of Money for enabling them more effectually to carry on their Works.

## LAMBETH.

- 11 Vict. c. 7. An Act to enable the Company of Proprietors of Lambeth Waterworks to construct additional Works, and for better supplying the Inhabitants of the Parish of Lambeth in the County of Surrey, and other Parishes and Places, with Water.

## CHELSEA.

- 49 G.3.c.157. An Act for amending an Act for better supplying the City and Liberties of Westminster and Parts adjacent with Water, and for enlarging the Powers thereof.

## GRAND JUNCTION.

- 51 G.3.c.169. An Act for confirming certain Articles of Agreement entered into between the Company of Proprietors of the Grand Junction Canal and certain Persons, for supplying with Water the Inhabitants of the Parish of Paddington, and the Parishes and Streets adjacent, in the County of Middlesex.
- 56 G. 3. c. 4. An Act to amend an Act of the Fifty-first Year of His present Majesty, for confirming certain Articles of Agreement between the Company of Proprietors of the Grand Junction Canal and certain Persons for supplying with Water the Inhabitants of the Parish of Paddington and the Parishes and Streets adjacent, in the County of Middlesex.
- 59 G.3.c.111. An Act to vary and alter certain Acts of His present Majesty relating to the Grand Junction Canal, the Grand Junction Waterworks, and the Regent's Canal, in order to effect an Exchange of Water for the better Supply of the Regent's Canal Navigation and Grand Junction Waterworks.

An

An Act to amend an Act of His late Majesty's Reign, for confirming 7 G. 4. c. 140 certain Articles of Agreement between the Company of Proprietors of the Grand Junction Canal and certain Persons, for supplying with Water the Inhabitants of Paddington and Places adjacent in the County of Middlesex, and also an Act of His said late Majesty's Reign, to alter certain Acts relating to the Grand Junction Canal, the Grand Junction Waterworks, and the Regent's Canal, in order to effect an Exchange of Water for the better Supply of the Regent's Canal Navigation and Grand Junction Waterworks; and for amending the Powers vested in the Grand Junction Waterworks Company, and for other Purposes relating thereto.

An Act to amend and extend the Powers vested in the Grand 5 & 6 W. 4. Junction Waterworks Company, and for other Purposes relating c. 95. thereto.

An Act for confirming and carrying into execution certain Articles 7 & 8 Vict. of Agreement made and entered into between Charles James Lord c. 30. Bishop of London, Thomas Thistlethwayte, Esquire, Thomas Somers Cocks, Esquire, Christopher Hodgson, Esquire, the Company of Proprietors of the Grand Junction Canal, and the Grand Junction Waterworks Company, and for other Purposes therein mentioned.

KENT.

An Act for supplying with Water the Inhabitants of Deptford, 49 G. 3. c. 189. Greenwich, and several other Parishes and Places in the Counties of Kent and Surrey.

An Act to enable the Company of Proprietors of the Kent Water- 51 G. 3. c. 145. works to raise a further Sum of Money, and to alter and enlarge the Powers of an Act of His present Majesty for making the said Waterworks, and to extend the same.

A

# BILL

For the better Supply of Water to the  
Metropolis.

(Prepared and brought in by  
Sir George Grey, Lord Seymour, and  
Mr. Bowyer.)

## *Metropolis Water.* SCHEDULE (B.)

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18

*Ordered, by The House of Commons, to be Printed,  
1 May 1861.*

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249.

*Under 3 oz.*

# METROPOLIS WATER BILL.

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RETURN to an Order of the Honourable The House of Commons,  
dated 26 May 1851 ;—for,

COPY “ of SCALE of WATER RATES proposed to be inserted in Schedule (B)  
of the METROPOLIS WATER BILL.”

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## SCHEDULE (B.)

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### SCALE OF RATES.

For water supplied to any dwelling house for domestic purposes :

Where the house contains not more than one room, a rate not exceeding  
3*s.* per annum.

Where the house contains two rooms and no more, a rate not exceeding  
5*s.* per annum.

Where the house contains more than two rooms, a rate to be charged  
according to the number of rooms in each house, at not exceeding such  
amount for each room as hereinafter mentioned ; that is to say,

Where the house contains more than two and not more than six  
rooms, at not exceeding 3*s.* per annum for each room.

Where the house contains more than six and not more than nine  
rooms, at not exceeding 3*s.* 6*d.* per annum for each room.

And where the house contains more than nine rooms, at not ex-  
ceeding 4*s.* per annum for each room.

If there be a bath in any dwelling house, then, in addition to the rate  
above specified in respect of such dwelling house, the sum of 5*s.* per  
annum for each such bath shall be payable.

[But no addition to the rate above specified for the water supplied to  
any dwelling house shall be charged in respect of any watercloset  
therein.]

For water supplied to any stable, a rate to be charged according to the  
number of stalls in such stable, not exceeding 3*s.* 6*d.* per annum for each  
stall.

For water supplied to any coach-house, where the same is constructed  
to contain one carriage only, a rate not exceeding 3*s.* 6*d.* per annum ; and  
where the coach-house is constructed to contain more than one carriage,  
a rate to be charged according to the number of carriages the same is  
constructed to contain, at not exceeding 3*s.* 6*d.* per annum for each carriage.

For water supplied for the purposes of any manufacture or business, such  
rates as may be agreed on between the Company and the person supplied, not  
exceeding 6*d.* for every 1,000 gallons.

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**METROPOLIS WATER BILL.**

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**COPY of SCALE of WATER RATES proposed to  
be inserted in Schedule (B.) of the METROPOLIS  
WATER BILL.**

*(Sir George Grey.)*

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*Ordered, by The House of Commons, to be Printed,  
26 May 1851.*

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26 July 1851. 14 & 15 VICT.



A

# B I L L

TO

Amend the Metropolitan Interment Act, 1850,  
and to authorize the Advance of Public Money  
to a limited Amount for the Purposes of the said  
Act.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS it is expedient to amend “The Metropolitan Preamble.  
Interments Act, 1850,” and to authorize an Advance of  
Public Money for the Purposes of the said Act, as herein-  
after mentioned: Be it enacted by the Queen’s most Excellent Majesty,  
5 by and with the Advice and Consent of the Lords Spiritual and Tem-  
poral, and Commons, in this present Parliament assembled, and by  
the Authority of the same, as follows:

I. It shall be lawful for the Commissioners of Her Majesty’s Treasury  
Treasury, upon the Application of the General Board of Health, to  
10 direct and cause to be issued and advanced to the said General  
Board of Health, out of the Produce of the Consolidated Fund of  
the United Kingdom of Great Britain and Ireland, such Sum or Sums  
of Money, not exceeding in the whole the Sum of *One hundred and*  
*thirty-seven thousand Pounds*, as the said Commissioners of the Treas-  
15 sury may think fit; and the Money so advanced shall be applied to  
the Purposes to which Money borrowed by the said General Board  
of Health under the Metropolitan Interments Act, 1850, is by the  
said

Treasury may advance  
not exceed-  
ing 137,000*l.*  
out of the  
Consolidated  
Fund, for the  
Purposes of  
the Metro-  
politan Inter-  
ments Act.

594.

said Act made applicable; and all the Provisions of the said Act applicable to Money so borrowed shall extend and be applicable to the Money advanced to the said Board under this Act.

The General Board of Health to give a Mortgage for the Sums advanced.

II. Upon the Advance to the said General Board of Health of any Sum under the Provisions of this Act, the said General Board of 5 Health shall make and execute a Mortgage under their Seal, according to the Provisions of the said Metropolitan Interments Act, of the Fees and Payments to be received under such Act, and of the Rates to be made and collected under such Act; and such Mortgage shall be made to such Person or Persons as the said Commissioners of the 10 Treasury shall appoint, in trust for Her Majesty, for securing the Repayment of the Sum so advanced, with Interest at the Rate of *Four Pounds* per Centum per Annum, in such Manner as the said Commissioners of Her Majesty's Treasury may think fit, and cause to be therein provided; and the Sums repaid under such Mortgages, and 15 the Interest thereon, shall be paid into an Account which shall be opened in the Books of the Governor and Company of the Bank of England, under the Title of "Metropolitan Interments Repayments," and the Money paid into such Account shall be carried to and form Part of the said Consolidated Fund. 20

Bodies of Persons dying where Interment is discontinued not to be buried in other Parish Burial Grounds within the District.

III. And whereas the Discontinuance under the said Act of Interment in a Parish may occasion the overcrowding of the Burial Grounds of other Parishes in the Metropolitan Burial District: The Body of any Parishioner or Inhabitant of any Parish in which Interment is ordered to be discontinued under the said Metropolitan 25 Interments Act shall not, after the Time from which Interment is so ordered to be discontinued, be buried in the Burial Ground of any other Parish within the Metropolitan Burial District; provided nevertheless, that nothing in this Enactment shall extend to prejudice or affect the Provisions contained in the Seventeenth and 30 Eighteenth Sections of the said Act; and every Person having the Care or Control of any such Burial Ground, who knowingly authorizes or permits any Burial contrary to this Enactment, shall be guilty of a Misdemeanor.

Acts to be construed together.

IV. The said Metropolitan Interments Act and this Act shall be 35 construed together as One Act.





**B I L L**

to

Amend the Metropolitan Interment Act,  
1850, and to authorize the Advance  
of Public Money to a limited Amount  
for the Purposes of the said Act.

(Prepared and brought in by  
Mr. Bernal, The Chancellor of the Exchequer, and  
Mr. Cornwall Lewis.)

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Ordered, by The House of Commons, to be Printed,  
26 July 1851.

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594.

*Under 1 oz.*

# **Metropolitan Sewers Bill.**

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## **ARRANGEMENT OF CLAUSES.**

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Preamble recites 11 & 12 Vict. c. 112. and 12 & 13 Vict. c. 93.

Appointment of Chairman and Deputy Chairman ; Sect. 1.

Salary of Chairman, how to be paid ; 2.

Chairman or Deputy Chairman to preside at Courts of Sewers ; 3.

Two Commissioners (One being Chairman or Deputy Chairman) to be a Quorum ; 4.

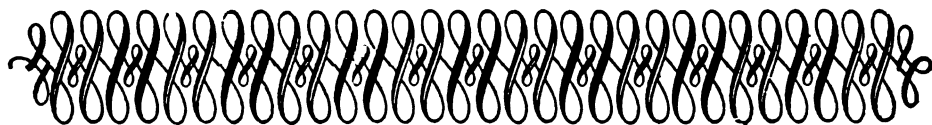
Rates to be made and Mortgage authorized by not less than Six Commissioners (the Chairman being One) ; 5.

Metropolitan Sewers Acts to continue in force for One Year ; 6.

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22 July 1851. 14 & 15 VICT.



A

# B I L L

TO

## Amend and continue the Metropolitan Sewers Acts.

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[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

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**W**HEREAS an Act was passed in the Session holden in the Preamble.  
Eleventh and Twelfth Years of Her Majesty, “to con- 11 & 12 Vict.  
“ solidate and continue in force for Two Years, and to c. 112.  
“ the End of the then next Session of Parliament, the Metropolitan  
5 “ Commissions of Sewers,” and the said Act was limited to continue  
in force for Two Years next after the passing thereof, and thence to  
the End of the then next Session of Parliament, and such Act has  
been amended by an Act passed in the Session holden in the Twelfth 12 & 13 Vict.  
and Thirteenth Years of Her Majesty, Chapter Ninety-three: And c. 93.  
10 whereas it is expedient to continue the said Acts for such Period as  
herein mentioned, and to amend the same as herein provided: Be it  
therefore enacted by the Queen’s most Excellent Majesty, by and  
with the Advice and Consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
15 Authority of the same, as follows :  
I. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint One of the Metropolitan Commissioners of Sewers for the Time being to be the Chairman, and One other of such Commissioners to be Deputy Chairman of such Commis- sioners, and upon every Vacancy in the Office of such Chairman or  
578. A Deputy Sewers.

Deputy Chairman to appoint in like Manner some other Person to such Office; and every such Chairman and Deputy Chairman shall hold his Office during Her Majesty's Pleasure.

Salary of  
Chairman.

II. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct a Salary not exceeding *One thousand Pounds* 5 by the Year to be paid to the Chairman for the Time being of the said Commissioners; and such Salary shall be paid out of the Monies applicable to the Payment of the general Expenses of the said Commissioners.

The Chair-  
man or De-  
puty Chair-  
man to pre-  
side at Courts  
of Sewers.

III. The Chairman for the Time being appointed under this Act 10 shall be the Chairman at every Court of Sewers to be holden under the said Acts at which he is present, and in his Absence the Deputy Chairman for the Time being appointed under this Act shall be such Chairman, and the Person presiding as Chairman shall have a Second or Casting Vote, as provided by the said firstly-mentioned Act. 15

Two Com-  
missioners  
(One being  
the Chairman  
or Deputy  
Chairman)  
to be a  
Quorum  
(except as  
after men-  
tioned).

IV. Such of the said Commissioners as shall be present at any Court of Sewers, the Chairman or Deputy Chairman being One of the Commissioners present, and the Number of Commissioners present being not less than Two, may exercise and perform all the Powers, Authorities, and Duties vested in the Commissioners, except 20 as herein-after provided; and if Two of such Commissioners, or such Chairman or Deputy Chairman, be not present within One Hour after the Time appointed for holding any Court of Sewers, such Court may be adjourned in manner provided by the said first-mentioned Act in case Six Commissioners be not so present; and where under 25 the said Acts the Signatures of Six of the Commissioners is required to any Rate, Warrant, or other Matter, except as herein-after provided, it shall not be requisite for the same to be signed by more than Two of the Commissioners under this Act, but the Chairman or Deputy Chairman shall be One of the Commissioners by whom the 30 same shall be signed.

Rates to be  
made and  
Mortgages  
authorized  
by no less  
than Six  
Commis-  
sioners (the  
Chairman  
being One).

V. Provided always, that no District or Special Sewers Rate shall be made except at a Court at which not less than *Six* Commissioners shall be present, of whom the Chairman shall be One, and shall be signed by not less than *Six* Commissioners, of whom the Chairman 35 shall be One; and no Money shall be borrowed, nor shall any Mortgage be made or Annuity granted, by the said Commissioners, except in pursuance of an Order of a Court at which not less than *Six* Commissioners shall be present, of whom the Chairman shall be One. 40

VL The

VI. The said firstly-mentioned Act, and so much of the said secondly-mentioned Act as would expire at the End of the present Session of Parliament, as amended by this Act, and this Act, shall continue in force for *One Year* next after the passing of this Act, in  
5 like Manner as if the Time so limited had been the Time originally limited by the said firstly-mentioned Act for the Continuance thereof.

Metropolitan  
Sewers Acts  
to continue  
in force for  
One Year.

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**Metropolitan Sewers.**

A

**B I L L**

To amend and continue the Metropolitan  
Sewers Acts.

(Prepared and brought in by  
The Chancellor of the Exchequer and Mr. Bouvierie.)

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*Ordered, by The House of Commons, to be Printed,  
22 July 1851.*

578.

*Under 1 oz.*

**Metropolitan Water Supply.**  
**(Control of, by Representative Body.)**

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**ARRANGEMENT OF CLAUSES.**

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- Preamble.  
Incorporation of General Acts; Sect. 1.  
Short Title; 2.  
Interpretation of Terms; 3.  
Limits of Act; 4.  
Appointment and Rotation of Commissioners; 5.  
Provisional Commissioners to secure the Election of District Commissioners; 6.  
Declaration by District Commissioners; 7.  
First Meeting of Commissioners; 8.  
Commissioners incorporated; 9.  
Quorum of Commissioners; 10.  
As to Executive Committee; 11.  
General Meetings may make Byelaws; 12.  
Evidence of Byelaws; 13.  
Power to the Treasury to cause Inspection and Examination of Books and Officers; 14.  
Power to purchase existing Waterworks; 15.  
For Dissolution of existing Water Companies; 16.  
And after Conveyance and Advertisement, Waterworks and Powers of Companies vested in Commissioners; 17.  
Actions not to abate; 18.  
Books to be Evidence; 19.  
Existing Officers to account; 20.  
Power to obtain Water from new Sources; 21.  
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Power to Commissioners to sell Lands not wanted; 23.  
Provision concerning a constant Supply; 24.  
Supply of Water to be kept for cleansing Sewers, Drains, &c.; 25.  
As to public Cisterns, Pumps, and Fountains, and Baths and Wash-houses, and other public Purposes; 26.  
Commissioners to have Access to Premises for the Purposes of Act; 27.  
Water for Manufactures, &c.; 28.  
Water Service appurtenant to Freehold—The “Construction Water Rate” on all present Houses and Buildings; 29.  
Construction Water Rate on Houses and Buildings hereafter erected; 30.  
The “Current Water Rate”; 31.



*Metropolitan Water Supply.*  
(*Control of, by Representative Body.*)

- Construction Rate and Half of Current Rate for Water for Public Purposes—Half Current Rate for Water for Domestic Purposes; 32.
- Landlord's Rates—Provision for existing Lease; 33.
- Provision in case of Surplus Rate; 34.
- Exemption from Rates; 35.
- Value of Property to be according to Poor Rate; 36.
- Power for Commissioners to inspect Parish Rate Books; 37.
- Power to levy Rates in respect of Property not included in the Poor Rates. If Poor Rates an unfair Criterion, a Valuation to be made; 38.
- Valuer to make a Declaration; 39.
- Net annual Value of Property to be rated; 40.
- Rate Books to be Evidence; 41.
- Power to rate the Owners of Houses in certain Cases; 42.
- Owner may be rated without stating his Name; 43.
- Notice of Rate to be given; 44.
- Form of Rate; 45.
- Rate to be open to Inspection of Ratepayers; 46.
- Power for Commissioners to amend Rates; 47.
- Persons aggrieved by Inequality of Rate may appeal to Appeal Commissioners; 48.
- Parties may appeal to the Quarter Sessions against a Rate; 49.
- Quarter Sessions to make such Order as they think reasonable; 50.
- On Appeal, Commissioners or Quarter Sessions may amend Rate without quashing it; 51.
- Quarter Sessions, on Appeal, may award Costs; 52.
- Liability to Rates not to disqualify certain Officers and Commissioners to be competent Witnesses; 53.
- Rates may be recovered by Action or Distress; 54.
- Form of Warrant of Distress; 55.
- Persons about to quit liable to pay Rates on Demand; 56.
- Rates to be apportioned; 57.
- Rates due from Owner may be recovered from Occupier to the Extent of Rent due; 58.
- Penalty on Occupier refusing to give the Name of Owner; 59.
- Occupier may recover Money paid for Rates from Owner, or deduct the Amount from the Rent; 60.
- Commissioners may make Arrangements for cheaper Collection of Rates; 61.
- Public Act; 62.
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4 June 1851. 14 VICT.



A

# B I L L

FOR

## Constituting Commissioners for the Supply of Water to the Metropolis.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS it is expedient that a better Supply of Water Preamble.  
to the Metropolis should be afforded, and that such  
Supply should be placed under the Management of a  
Board to be elected by the Ratepayers; but the same cannot be  
5 effected without the Authority of Parliament: May it therefore  
please Your Majesty that it may be enacted; and be it enacted by  
the Queen's most Excellent Majesty, by and with the Advice and  
Consent of the Lords Spiritual and Temporal, and Commons, in this  
present Parliament assembled, and by the Authority of the same,

10 I. That "The Lands Clauses Consolidation Act, 1845," "The  
Waterworks Clauses Act, 1847," and "The Commissioners Clauses  
Act, 1847," shall be incorporated with and be deemed Part of this  
Act, excepting when the Provisions of the same Acts are expressly  
varied by this Act, or are otherwise incompatible with the Provisions  
15 herein contained. Incorporation of General Acts.

II. That in referring to this Act in legal Instruments or Proceed- Short Title.  
ings, or otherwise, it shall be sufficient to call it "The Metropolitan  
Water Supply Commissioners Act, 1851."

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III. That

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Interpreta-  
tion of  
Terms.

III. That the Expression "The Commissioners," "The Water Commissioners," or "The District Water Commissioners," when used in this Act shall mean the Commissioners other than the Provisional Commissioners appointed for carrying this Act into execution; and the Words "The Metropolis" when used in this Act shall include 5 and mean the Limits within which the Authorities by this Act given to the Commissioners may be exercised; and the Words "Water Company" shall include and mean any Company or Person for the supplying of Water now existing within such Limits.

Limits of  
Act.

IV. That the Limits of this Act shall include the several Parishes, 10 Townships, Chapelries, Manors, Liberties, Extra-parochial and other Places, named and comprised in the following Districts; that is to say,

No. 1. HAMMERSMITH DISTRICT.—Acton, Chiswick, Fulham, and Hammersmith, in the County of Middlesex. 15

No. 2. CHELSEA DISTRICT.—St. Luke's, Chelsea; Brompton; and St. Mary Abbot, Kensington, in the County of Middlesex.

No. 3. PADDINGTON DISTRICT.—Paddington and Willesden, in the County of Middlesex.

No. 4. MARYLEBONE DISTRICT.—St. Marylebone and St. John, 20 Hampstead, in the County of Middlesex.

No. 5. WESTMINSTER DISTRICT.—St. John the Evangelist, Westminster; St. Margaret's, Westminster; St. James, Westminster; St. Anne, Westminster; St. George, Hanover Square; St. Martin's in the Fields; St. James Palace; Buckingham Palace; 25 Whitehall and the Close of Collegiate Church, Westminster; the Liberty of the Duchy of Lancaster; St. Paul's, Covent Garden; St. Mary le Strand; St. Clement Danes; Rolls Liberty; Savoy Precincts; Inner Temple; Middle Temple; New Inn; Lincoln's Inn; Clifford's Inn; Sergeant's Inn, 30 Chancery Lane; Sergeant's Inn, Fleet Street; Clement's Inn; in the County of Middlesex..

No. 6. PANCRAS DISTRICT.—St. Pancras and Hornsey, in County of Middlesex.

No. 7. HOLBORN DISTRICT.—Furnival's Inn; Gray's Inn; Barnard's 35 Inn; Thavies Inn; Staple Inn; St. Andrew, Holborn above Bars; St. George the Martyr; St. Giles in the Fields; St. George, Bloomsbury; St. James, Clerkenwell; St. John, Clerkenwell; St. Mark's District, Clerkenwell; St. Mary, Islington; Saffron Hill; Hatton Garden; Ely Rents and Ely Place; 40 St. Bartholomew the Great; St. Botolph, Aldersgate; St. Botolph Without Aldgate; in the County of Middlesex.

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- No. 8. SHOREDITCH DISTRICT.—St. Luke, Old Street; St. Leonard's, Shoreditch; St. John, Hackney; St. John, Hoxton; St. Mary, Stoke Newington; Tottenham; Edmonton; Norton Folgate; Old Artillery Ground; in the County of Middlesex.
- 5 No. 9. SPITALFIELDS DISTRICT.—St. Mary, Haggerstone; St. Mary Matfellow, Whitechapel; Christ Church; St. Matthew, Bethnal Green; St. George in the East; St. Mary, Stratford-le-Bow; in the County of Middlesex.
- 10 No. 10. TOWER HAMLETS DISTRICT.—St. Catherine by the Tower; Charterhouse; Glasshouse Yard; Tower Hamlets; Tower Liberty; Tower Without Precincts; St. Dunstan, Poplar; Blackwall; St. Dunstan, Stepney; St. John, Wapping; Mile End New Town; Mile End Old Town; in the County of Middlesex.
- 15 No. 11. LIMEHOUSE DISTRICT.—St. Catherine, Middlesex Precinct; St. Paul, Shadwell; St. Ann, Limehouse; All Saints, Poplar; Bromley; in the County of Middlesex.
- No. 12. LONDON DISTRICT.—City of London Proper, with all its Parishes, Precincts, and Liberties.
- 20 No. 13. BATTERSEA DISTRICT.—Battersea, Putney, Wandsworth, Clapham, Tooting, Graveney, Wimbledon, Clapham, Roehampton, Hook, Barnes, Mortlake, in the County of Surrey.
- No. 14. LAMBETH DISTRICT.—St. Mary, Lambeth; St. Mark, Kennington; St. Matthew, Brixton; Streatham; St. Luke, Norwood; in the County of Surrey.
- 25 No. 15. CAMBERWELL DISTRICT.—St. Mary, Newington; Camberwell; Peckham; Dulwich; in the County of Surrey.
- No. 16. SOUTHWARK DISTRICT.—Christchurch; St. George the Martyr; St. John; St. Saviour; St. Thomas; St. Olave's; St. John, Horsleydown; St. Mary Magdalene, Bermondsey; St. Mary, Rotherhithe; County of Surrey.
- 30 No. 17. GREENWICH DISTRICT.—Greenwich; St. Alphage, Greenwich; St. Nicholas, Deptford; St. Paul, Deptford; Lee; Lewisham; in the Counties of Surrey and Kent.

- 35 V. That within *One Month* after the *passing of this Act* the several Persons rated to the Relief of the Poor in each District, except the City of London, shall elect, by the Majority of Votes, *Four* Ratepayers residing within the District, and assessed to the Poor in not less than *Fifty Pounds* per Annum, as Commissioners for the Purposes of this Act, to be called "District Water Commissioners," and within the same Period the Mayor, Aldermen, and Commons of the City of London in Common Council assembled shall also elect *Four* like Commissioners, rated as aforesaid for the London District, and the said Commissioners shall remain in office
- 40
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until the *First of May One thousand eight hundred and fifty-four*, when *One Half* of the said Commissioners so elected shall go out of Office, in the Manner prescribed by "The Commissioners Clauses Act, 1847," and so on from every *Third Year*: Provided always, that in addition to the Commissioners elected as aforesaid, or to be 5 elected according to the Provisions herein contained, Her Majesty's Principal Secretary of State shall have Power from Time to Time to appoint *Four* Commissioners, who shall continue in Office during the Pleasure of Government, and upon Retirement or Removal the Vacancy may be filled up on the like Nomination. 10

Provisional Commissioners to secure the Election of District Commissioners.

VI. That the following *Twelve* Gentlemen, namely,

shall constitute a Commission under this Act, to be called "The Provisional Commissioners," *Five* of whom shall form a Quorum, for 15 the Purpose of notifying to the Parochial Authorities within the several Districts herein-before mentioned the Provisions of this Act; and for ensuring under the same the Election of the Commissioners of the said several Districts and for the said City of London; and for convening the First Meeting of the said Commissioners when so 20 elected, and of the Commissioners to be appointed by the Government as herein-before provided, at the Time and Place herein-after stated; and on the Declaration herein-after prescribed being made and signed by the aforesaid several District and Government appointed Commissioners, or any *Ten* of them, the Office and Duties of 25 the said Provisional Commissioners shall wholly cease and determine.

Declaration by District Commissioners.

VII. That the Declarations herein-before required to be made and signed by every Commissioner representing any District before he acts in the Execution of his Office shall be as follows:

' I A. B. do solemnly declare, that I am, to the best of my Belief, 30  
' duly elected and constituted a District Water Commissioner on  
' behalf of the District, in pursuance of "The Water Commissioners  
' Act, 1851;" and I likewise declare, that I will faithfully and impar-  
' tially, according to the best of my Skill and Judgment, execute all  
' the Powers and Authorities reposed in and required of me as a 35  
' Commissioner by virtue of the same Act.'

And the Commissioners appointed by the Government shall also make and sign the Declaration, as follows:

' I declare, that I have been duly appointed by Her Majesty's  
' Government a Commissioner under the Metropolitan Water 40  
' Supply Commissioners Act of 1851, and that I will faithfully and  
' impartially, according to my Skill and Judgment, execute all  
' Powers and Authorities reposed in and required of me as a Com-  
' missioner by virtue of such Act.'

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VIII. That the said Commissioners shall meet on the *Second* First Meeting of Commissioners.  
*Wednesday in the Month of October* in the present Year, at *Ten*  
o'Clock in the Forenoon, at the Freemasons Tavern in Great Queen  
Street, Lincoln's Inn Fields, in the County of Middlesex, or at such  
5 other Time and Place as the Provisional Commissioners herein  
appointed shall appoint, and shall then and there proceed in the  
Execution of this Act.

IX. That the Commissioners shall be a Body Corporate, under Commissioners incorporated.  
the Style of "The Water Supply Commissioners," and shall have  
10 perpetual Succession and a Common Seal, and shall have Power to  
purchase and hold Lands for the Purposes and subject to the Restrictions  
of this Act.

X. That *Ten* shall be a Quorum of all Meetings of the said Quorum of Commissioners.  
Commissioners.

15 XI. That in addition to the Committees which by "The Commissioners  
Clauses Act, 1847," they are empowered to appoint, it shall be lawful  
for the Commissioners to appoint a Committee, not exceeding *Five* in Number,  
well qualified Men of Business, One of whom shall or may be nominated  
and appointed by Her Majesty's  
20 Government, to be called "The Executive Committee," upon whom  
shall rest the active and continuous Execution of the Provisions of this  
Act, subject nevertheless to the Byelaws herein-after provided for,  
and in all Things to the Directions, Orders, Instructions, and Regulations  
given and made by the Commissioners; and it shall be  
25 lawful for the Commissioners to allow to the Members of the said  
Executive Committee such Salaries by way of Remuneration as the  
Commissioners shall determine, which Salaries shall be altered from  
Time to Time as to said Commissioners shall seem meet; and it shall  
also be lawful for the Commissioners to nominate and appoint a  
30 Secretary to the said Executive Committee, who shall likewise act as  
the Secretary to Commission generally, and to allow him a Salary as  
such: Provided always, that the Amount of such several Salaries shall  
be subject to the Approval of One of Her Majesty's Principal Secretaries  
of State.

35 XII. It shall be lawful for the Commissioners from Time to Time  
to make such Byelaws as to them may seem right and proper, to be  
approved by One of Her Majesty's Principal Secretaries of State, for  
securing the Election of future Commissioners by the Ratepayers in  
manner herein prescribed, for the good Government and Management  
40 of the Works and Affairs of the Commissioners, and for the Regulation

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of the Executive Committee, and all Officers, Workmen, and Servants to be nominated or employed by the said Commissioners, and also for regulating the Mode in which the Supply of Water for domestic or other Purposes shall be connected with the Mains or Services, and for regulating the Apparatus employed for the Reception, Storing, or Distribution of such Supply, and for all such other Purposes as to them shall seem necessary for executing the Powers and Authorities by this Act conferred, and from Time to Time to amend, alter, or repeal such Byelaws, or any of them; and the Commissioners may by such Byelaws impose such reasonable Penalties upon Persons offending against the same as the Commissioners shall think fit, not exceeding the Sum of *Five Pounds* for every Offence, but so that every such Byelaw be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or Part only of such Penalty to be paid; and all such Byelaws shall be under the Common Seal of the Commissioners, and printed, and a Copy thereof shall be hung up and affixed in some conspicuous Part of the principal Office of the Commissioners and in the Vestry Room of each Parish in the several Districts herein-before contained, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and a Copy thereof shall be delivered to any Person applying for the same on Payment of such Sum, not exceeding *Sixpence*, as the Commissioners shall direct; and such Byelaws, when approved and published as aforesaid shall be binding upon and observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Evidence of  
Byelaws.

XIII. The Production of a printed Copy of such Byelaws, authenticated by the Seal of the Commissioners, shall in all Cases be Evidence of the making, Approval, Publication, and Existence of such Byelaws, without adducing Proof of the Seal of the Company, or of the making, Approval, or Publication thereof, or of the Approval thereof by One of Her Majesty's Principal Secretaries of State.

Power to the  
Treasury to  
cause Inspection  
and  
Examination  
of Books and  
Officers.

XIV. It shall be lawful for any One of Her Majesty's Principal Secretaries of State from Time to Time to cause Inspection of the Books and Accounts and Examination of the Officers of the Commission to be made, and to take such other Steps as they may think proper for ascertaining all such Particulars in relation to the Receipts and Expenditure of the Commission, and the Necessity or Propriety of such Expenditure, and the Conduct and Management of the Business thereof.

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- XV. That the Commissioners shall, if required under the Hands of Three of the Directors of any One of the several Water Companies herein-after mentioned, or under their own Hands in case of other Persons, within *Twelve* Calendar Months after the passing of this
- 5 Act, and may, without being so required, at any Time, by Agreement, take and purchase all the Wells, Shafts, Streams, Reservoirs, Waterworks, Cisterns, Tanks, Aqueducts, Drains, Cuts, Sluices, Pipes, Culverts, Engines, Machinery, Buildings, Houses, and other Works connected with the Supply of Water, together with the Lands,
- 10 Tenements, Hereditaments, and other Property connected with such Supply, and the Stock, Chattels, and Personal Effects of the several Companies following; that is to say,
- The New River Company;
- The Company of Proprietors of the East London Waterworks;
- 15 The Southwark and Vauxhall Water Company;
- The West Middlesex Waterworks Company;
- The Lambeth Waterworks Company;
- The Governor and Company of Chelsea Waterworks;
- The Grand Junction Waterworks Company;
- 20 The Company of Proprietors of the Kent Waterworks; and
- The Hampstead Waterworks Company;
- And of all other Persons not being Bodies Politic and Corporate, and being Proprietors of Waterworks for supplying with Water the Inhabitants within the Limits of this Act: Provided always, that the
- 25 Purchase Money shall in no Case exceed *Ten* Years Amount of the net annual Income at the Time of passing this Act derived from the Property purchased.

Power to  
purchase  
existing  
Waterworks.

- XVI. That upon the Purchase of the Undertaking of either of the above-mentioned Companies the several Acts relating to the same
- 30 Companies mentioned in the Schedule (A.) hereto annexed, shall thereupon become repealed, and the said Company dissolved, except for the Purpose of winding-up its Affairs: Provided nevertheless, that the repealing of the said Acts shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Contract,
- 35 Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, or executed under or by virtue of the said Acts or any of them, but all such Purchases, Sales, Conveyances, Grants, Contracts, Securities, Acts, Matters, and Things shall be as good, valid, and effectual as if the said Acts had not been repealed: Provided also, that,
- 40 except as is herein otherwise specially provided, and except so far as the same may be repugnant to the Provisions of this Act, nothing herein contained shall extend in any way to defeat, affect, or prejudice any Rights, Powers, Easements, Accommodations, or Exemptions
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For Dissolu-  
tion of exist-  
ing Water  
Companies.



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which under or by virtue of the said Acts, or any of them, are given, continued, or reserved to or for the Benefit of any Persons or Corporations whose Estates or Interests are, have been, or may be affected by the making or maintaining or otherwise on account of the Works by the same Acts respectively authorized to be made and maintained, 5 or to which such Persons or Corporations are or may be, or but for the Repeal of the said Acts would have been, otherwise entitled; and such several Persons and Corporations shall and may have and be entitled to such or the like Remedies against the said Commissioners for securing the Possession, Use, and Enjoyment of such Rights, 10 Powers, Easements, Accommodations, and Exemptions as under the Provisions of the said Acts they would or might have been entitled to against the said dissolved Companies, or any of them, in case the said Acts had not been repealed.

And after  
Conveyance  
and Adver-  
tisement,  
Waterworks  
and Powers  
of Companies  
vested in  
Commis-  
sioners.

XVII. That it shall be lawful for the Commissioners to use the 15 Lands, Streams, Reservoirs, and Works so purchased; and all the Rights, Powers, Authorities, and Privileges conferred on the Company whose Undertaking shall have been so purchased, whether the same are conferred by the Acts relating to that Company, or by any other Acts, or by any Royal Letters Patent, (save only so far as the 20 same Rights, Powers, Authorities, and Privileges are inconsistent with the Provisions and Purposes of this Act, or are by this Act expressly repealed or altered, or may be agreed to be excluded from such Transfer,) shall be extended to and vested in the Commissioners, and be exercised and put in force by them, in the same Manner as if 25 they had throughout the said Acts respectively been named instead of the said Company.

Actions not  
to abate.

XVIII. That no Action, Suit, Indictment, Information, or other Proceeding at Law or in Equity, had, commenced, or taken on or before the said Purchase by or against any of the said Companies, 30 shall abate or be discontinued or be prejudicially affected thereby, but the same shall continue and take effect, both in favour of and against the Commissioners, in the same Manner in all respects as the same would have continued and taken effect in relation to the said Companies, or any of them, if this Act had not been passed; and 35 all Penalties incurred by any Offence against the Provisions of the said Acts, or any of them, on or before the said Purchase, may be sued for, and all Offences which may have been committed against the Provisions of the said Acts, or any of them, may be prosecuted, in such and the like Manner to all Intents and Purposes 40 as the same might have been sued for and prosecuted respectively if this Act had not been passed, the Commissioners being, in reference to

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to the Matters aforesaid, in all respects substituted for the said Companies, or any of them.

XIX. That all Books and other Documents by the said Acts, or any of them, authorized or directed to be kept, and which would have been Evidence if this Act had not been passed, shall be still admitted as Evidence in all Courts of Law and Equity, and elsewhere.

Books to be Evidence.

XX. That all Officers and Persons who, after the Works and Property connected therewith of the said Companies, or any of them, shall have been so purchased, shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects belonging to the said Companies, or any of them, or to which such Companies respectively may be entitled, shall be liable to account for and deliver up the same to the Commissioners, or to such Person or Persons as they may appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as though such Officers or Persons had been appointed by, and become possessed of such Money, Books, Documents, Papers, Writings, or other Effects for the Commissioners.

Existing Officers to account.

XXI. And whereas Inquiries into the Quality of the Water at present supplied to the Metropolis, and the Sources from whence a better Supply may be procured, has been made by Commissioners appointed by Her Majesty in this Behalf, and by the General Board of Health : And whereas further Inquiries of a like Nature are being made, and it is expedient that the Water supplied to the Metropolis should be such as from the Result of the said or any further Inquiries shall appear to be the most eligible : It shall be lawful for the Commissioners from Time to Time to procure Water from any Sources, and to discontinue taking Water from any Sources, at present in use, as to them shall seem meet, and to determine existing Leases or Agreements relating thereto, upon such Terms as may be agreed upon.

Power to obtain Water from new Sources.

XXII. That it shall be lawful for the Commissioners to purchase by Agreement or take on Lease any Streams, Springs, Lands, Rights, or Easements which they may deem necessary for the Purposes of this Act.

Commissioners empowered to purchase Land.

XXIII. That it shall be lawful for the Commissioners to sell and dispose of any Lands or other Property acquired by them under the Powers herein contained, or any Part thereof, which may appear to the Commissioners not to be wanted for the Purposes of this Act ;

Power to Commissioners to sell Lands not wanted.

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and for completing and carrying any such Sale into effect the Commissioners may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct; and such Conveyance shall be under the Seal of the Commissioners; and the Word "grant" in such Conveyance shall have the same 5 Operation as by "The Lands Clauses Consolidation Act, 1845," is given to the same Word in a Conveyance of Lands; and a Receipt under the Hands of *Three* of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and the Money to 10 arise from such Sale shall be applied to such of the Purposes of this Act as the Commissioners shall think fit.

Provision concerning a constant Supply.

XXIV. Provided always, That the Commissioners shall provide and keep in the Pipes laid down by them a constant Supply of Water, under sufficient Pressure as will make the Water reach, where 15 practicable, the top Story of every House within the Limits of this Act; and if it shall appear to the Commissioners that any House or Building within the said Limits is without a proper Supply of Water for domestic Purposes, the Commissioners shall give Notice in Writing to the Occupier, requiring him, within a Time specified 20 therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with the Commissioners may do such Work and furnish such Supply accordingly, and the Expense incurred by them in so doing may be recovered in manner by this Act provided of the Rates, and shall be 25 chargeable to the Persons as are liable to such Rates.

Supply of Water to be kept for cleansing Sewers, Drains, &c.

XXV. The Commissioners shall provide and keep constantly laid on, unless when prevented by unavoidable Accident, or during necessary Repairs, a constant and sufficient Supply of Water for Protection against Fires, for cleansing the Sewers and Drains, and for 30 cleansing and watering the Streets, and for other public Purposes.

As to public Cisterns, Pumps, and Fountains, and Baths and Wash-houses, and other public Purposes.

XXVI. That all existing public Cisterns, Pumps, Conduits, and other Works used for the gratuitous Supply of Water to the Inhabitants of the Metropolis, shall be vested in, and be continued, supplied, and maintained by the Commissioners, and be under their 35 Management and Control; and it shall be lawful for the Commissioners, with the Consent of the Ratepayers in public Vestry assembled of any Parish, to erect and place in such Parish any new Cisterns, Pumps, Conduits, Fountains, or other Waterworks for the gratuitous Use of any Persons who may choose to carry Water for 40 their own private Use, but not for Sale, and to supply with Water any public Baths or Washhouses that may be established in such Parish

Parish, or the Churches, Chapels, and Charity Schools, or for other public Purposes.

XXVII. That the Commissioners by their Agents and Servants shall at all Times have reasonable Access to the Houses and Premises supplied by them with Water, for the Purpose of examining the Pipes, Cocks, Cisterns, and other Appurtenances for the Water Supply, and to order and cause to be made and done all necessary Amendments and Reparations, and shall at all Times have reasonable Access to any Grounds, public or private, or to any Building, public or private, for the Purpose of carrying into effect the Intentions of this Act; and if any Owner or Occupier, or his or their Servants or Employers, shall obstruct, prevent, or refuse to allow any such Agent or Servant aforesaid of the Commissioners to have such reasonable Access to any House or Premises aforesaid, or to any public or private Grounds, or public or private Building aforesaid, for the Purposes aforesaid, or shall refuse or omit to cause such Reparations or Amendments, such Owner or Occupier shall forfeit and pay for every such Offence such Penalty not exceeding *Five Pounds* as the Commissioners shall direct.

Commissioners to have Access to Premises for the Purposes of Act.

XXVIII. That the said Commissioners shall also afford to any Person who shall require a Supply of Water for trading or manufacturing Purposes, or for any other than domestic Purposes, at a Rate or Rent to be computed upon the following Scale; that is to say,

For an average Supply not exceeding *One thousand* Gallons per Week, *One Pound* per Annum :

For an average Supply not exceeding *Two thousand* Gallons per Week, *Two Pounds* per Annum :

For an average Supply not exceeding *Three thousand* Gallons per Week, *Two Pounds Fifteen Shillings* per Annum :

For an average Supply not exceeding *Four thousand* Gallons per Week, *Three Pounds Ten Shillings* per Annum :

For an average Supply not exceeding *Five thousand* Gallons per Week, *Four Pounds* per Annum :

And for every average Supply not exceeding *One thousand* Gallons above *Five thousand* Gallons per Week, *Ten Shillings* per Annum for every *One thousand* Gallons :

Water for Manufactures, &c.

Such Rate or Rent to be payable as the Commissioners shall order; and if any Person so supplied shall neglect to pay such Rate or Rent at the Times fixed for Payment thereof, it shall be lawful for the Commissioners to stop such Supply other than for domestic Purposes from flowing into the Premises of such Person by such Means

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Means as they shall think fit, and to recover the Rate or Rent from such Person, together with the Expenses of stopping such Supply, and Costs of recovering the same, by Action of Debt or otherwise in any Superior or other Courts by Law established.

Water Service appurtenant to Freehold.

"The Construction Water Rate" on all present Houses and Buildings.

Construction Water Rate on Houses and Buildings hereafter erected.

XXIX. And whereas it is desirable that a Water Service should 5  
form Part of the Freehold of every House and Building within the  
Metropolis: And whereas it has been computed and ascertained that  
a Rate upon all Houses and Buildings not exceeding in any One  
Year *Threepence* in the Pound of the net annual Value thereof,  
and continued for and during the Term of *Thirty* Years, would be 10  
sufficient to defray the Cost of Construction of such Water Service,  
so as at the End of the said Term of *Thirty* Years to attach to  
and vest in the Owners of every House and Building a Supply of  
Water thereto for all municipal and domestic Purposes in Per-  
petuity, free from any further Charge for Construction of Works: 15  
It shall be lawful for the Commissioners to make for the Purpose or  
Purposes aforesaid an annual Rate, not exceeding *Threepence* in the  
Pound, to be called "The Construction Water Rate," on all Houses and  
Buildings within the Limits of this Act, and of the several Lands,  
Yards, Gardens, and Pleasure Grounds, and Premises respectively 20  
occupied and connected therewith, according to the net annual  
Value of the same, (excepting as herein-after excepted,) and upon  
the Security thereof to raise and borrow from Time to Time such  
Sums of Money for such Periods of Time and upon such Terms as  
may be found necessary and convenient for all Purposes of this Act, 25  
other than current working Expenses herein-after provided for: Pro-  
vided always, that it shall be lawful for the Commissioners, in the  
event of their being required to, or shall by Agreement, purchase the  
Properties of the several Water Companies herein-before mentioned,  
or any of them, according to the Provisions herein-before contained, 30  
to make such Increase in the Construction Water Rate as shall be  
requisite to provide for the Payment of such Purchase or Purchases  
aforesaid, but so that such Increase shall not exceed in any *One*  
Year the further Sum of *Threepence* in the Pound on the net annual  
Value.

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XXX. That it shall be lawful for the Commissioners to make and  
levy the Construction Water Rate herein-before provided upon all  
Houses and Buildings hereafter erected within the Limits of this Act:  
Provided always, That such Construction Water Rate shall be made  
and continued for the same Amount in the Pound on the net annual 40  
Value of such Houses and Buildings to be erected, and of the Lands,  
Yards, Gardens, Pleasure Grounds, and Premises occupied therewith  
as aforesaid, and for and during the same Periods of Time as the  
Construction

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Construction Rate or Rates herein-before provided shall, for the several Purposes herein-before stated, be made and levied on all existing Houses and Buildings.

XXXI. That in order to defray the annual Working, Costs, The Current Water Rate.  
5 Charges, and Expenses of and attending the constant Supply of Water under high Pressure for domestic Purposes, it shall be lawful for the Commissioners to make an annual Rate, to be called "The Current Water Rate," on all Houses and Buildings within the Limits of this Act, (except as herein-after excepted,) with the several Lands,  
10 Yards, Gardens, and ornamental Grounds and Premises respectively occupied therewith: Provided always, that no such last-mentioned Rate shall exceed in any One Year the Sum of *Threepence* in the Pound on the net annual Value.

XXXII. That the Construction Water Rate, as herein-before pro- Construction Rate and Half of Current Rate for Water for public Purposes.  
15 vided, and One Half of the Current Water Rate aforesaid, shall be deemed the Cost of a public Water Supply, and shall be payable whether the Water be laid on to the Dwelling House or other Building or not, or whether the House or Building be occupied or not; and the other Half of such Current Rate shall be considered the Half Current Rate for Water for domestic Purposes.  
20 Charge for domestic Purposes, and shall only be payable when such Houses and Buildings shall be occupied, and then only when the Water for domestic Purposes is supplied by the Commissioners.

XXXIII. That every Rate authorized by this Act shall be deemed a Landlord's Tax and chargeable upon the Premises, but nevertheless Landlord's Rates.  
25 the Rate may be assessed upon and shall be payable by and recoverable from the Occupier, who may deduct the same from the Rent when and as the same shall become due: Provided always, that Provision for existing Lease. nothing in this Act shall authorize any Occupier during the Continuance of a Tenancy commenced prior to the passing of this Act  
30 to make such Deduction.

XXXIV. That if at any Time the Amount of the Construction Water Rate aforesaid shall exceed the Amount for which it was raised, the Excess shall be funded in Government Securities, the Interest thereof shall be applied in relief of the Current Water Rate, Provision in case of surplus Rate.  
35 and if such Interest shall be more than sufficient to pay the Current Water Rate, the Surplus of such Interest shall be applied to such public Improvements within the Limits of this Act as the Commissioners, with the Sanction of the Lords Commissioners of Her Majesty's Treasury, shall direct.

40 XXXV. That no Person shall be rated in respect of any House or Building already or hereafter to be built until the said Commissioners  
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sioners shall have constructed and provided for such House or Building such Supply of Water as herein-before provided, nor at any Time in respect of any Church, Chapel, or other Building exclusively used for Public Worship, or for the gratuitous Education of the Poor, or for Public Baths and Washhouses, or for any public Object to which 5 the Commissioners may deem a gratuitous Supply of Water desirable and beneficial to the Public Health.

Value of Property to be according to Poor Rate.

XXXVI. That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding Assessment for the Relief of the Poor within the several Parishes, Districts, 10 and Places within the Metropolis, except in such Cases as are herein-after mentioned.

Power for Commissioners to inspect Parish Rate Books.

XXXVII. And in order to assist the Commissioners in making the Rates hereby authorized, that the Commissioners shall and may and they are hereby authorized and empowered to cause all or any of 15 the Books or Assessments of Rates towards the Relief of the Poor within the several Parishes, Districts, or Places within the Metropolis to be produced before them, and to cause a Copy of such Books or Assessments, or of any Part thereof, to be taken without Fee or Reward; and if any Person in whose Custody or Power any of the 20 said Books or Assessments shall refuse or neglect to attend the Commissioners with such Books or Assessments, or to permit or suffer the Commissioners to take, or cause to be taken, a Copy thereof, then and in every such Case such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding *Fifty Pounds*. 25

Power to levy Rates in respect of Property not included in the Poor Rates.

XXXVIII. That if any Lands rateable under this Act shall be occupied, or any House or Building shall be erected and occupied, within any Parish or Place within the Metropolis after the Rate shall have been made for the Relief of the Poor within such Parish or Place, or shall have been omitted from any such Rate, it shall be lawful for 30 the Commissioners to cause a Valuation to be made of the annual Rent or Value of such Lands, House, or Building respectively, and to cause the same Rates or Assessments to be made upon the Owner or Occupier thereof as they could have done if such Land, House, and Building had been rated or assessed to the Rate for the Relief of 35 the Poor: Provided always, that if at any Time the Rate for the Relief of the Poor within the Metropolis, or within any Parish or Place within the Metropolis, shall, in the Judgment of the Commissioners, be an unfair Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for them to cause a 40 Valuation to be made of all or any Part of the rateable Property within the Metropolis by some competent Person or Persons to be appointed

If Poor Rates an unfair Criterion, a Valuation to be made.

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15

appointed by them for that Purpose; and the Rates or Assessments to be made by the Commissioners shall for the Purposes of this Act be made upon such Valuation.

- XXXIX. That the Person or Persons appointed to make such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and the Date of making the same; and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Valuer to make a Declaration.

XL. That in every such Valuation the Property rateable under this Act shall be computed at its net annual Value as rated for the Relief of the Poor.

Net annual Value of Property to be rated.

- XLI. That the Books of the Commissioners, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Rate Books to be Evidence.

- XLII. That in all Cases in which any House, Warehouse, or other Building or Tenement now or hereafter to be erected or built within the Metropolis shall be unoccupied, or shall be let out, either wholly or in part, in Lodgings or in separate Rooms or Apartments, whether furnished or unfurnished, or when the annual Value of the Premises rated shall not exceed *Ten Pounds*, then and in every such Case it shall be lawful for the Commissioners, in or by any Rate or Assessment to be made by virtue of this Act, at their Discretion to rate and assess the Owner of every or any such House, Warehouse, or other Building or Tenement; and upon Nonpayment of the Sum so to be payable in respect thereof the same may and shall be levied upon, and the Payment thereof enforced against, the Owner, his Goods and Chattels, in like Manner as any Rate made for the Purpose of this Act may be recovered and levied, and Payment thereof enforced, under the Authority of this Act or any other Act incorporated herewith, upon and against any Owner or Occupier against whom the same shall be charged.

Power to rate the Owners of Houses in certain Cases.

- XLIII. That whenever the Name of any Owner liable to be rated under the Provisions of this Act shall not be known to the Commissioners or to the Person making any Rate, it shall be sufficient to rate him in the Rate Book of the Commissioners by the Designation of "the Owner," without stating his Name.

Owner may be rated without stating his Name.

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XLIV. That



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Notice of  
Rate to be  
given.

XLIV. That Notice of the Intention of making any Water Rate authorized to be made under the Provisions of this Act, and of the Time at which the same is intended to be made, and of the Place where a Statement of the proposed Rate shall be deposited for Inspection, shall be given by the Commissioners *Fourteen Days* 5 previous to such Rate being made, or as nearly as may be, by public Advertisement in *Three* London daily Newspapers and in *One* weekly Newspaper, and also by Circular addressed to the Vestry Clerk of each Parish: Provided always, that it shall not be necessary in any Proceedings to levy and recover such Rate to prove that such Notices 10 as aforesaid were given.

Form of  
Rate.

XLV. That every Rate made under the Authority of this Act shall be fairly transcribed in a Book to be kept for that Purpose, and shall contain an Account of every Particular set forth at the Head of the respective Columns in the Form given in the Schedule (B.) to 15 this Act annexed, so far as the same can be ascertained; and every such Rate or Assessment shall be signed by the Executive Committee to be appointed under this Act; and every such Rate shall be vested in the Commissioners, and shall be payable at such Times as the Commissioners shall order and direct. 20

Rate to be  
open to In-  
spection of  
Ratepayers.

XLVI. That immediately after any Rate shall be made under the Provisions of this Act, the same shall be open to the Inspection of any Person rated or otherwise interested in such Rate at all seasonable Times; and any such Person may take Copies of or Extracts from such Rate without paying anything for the same; and if the Person 25 having the Custody of such Rate shall refuse or shall not permit any such Person as aforesaid to take Copies of or Extracts from such Rate, he shall for every such Offence forfeit any Sum not exceeding *Five Pounds*, to be recovered in like Manner as other Penalties by this Act authorized to be imposed. 30

Power for  
Commis-  
sioners to  
amend Rates.

XLVII. That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by increasing or reducing the Sum at which any Person 35 shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make the said Rate conformable to this Act; and no such Amendments shall be held to avoid the Rate: Provided always, that any Person who shall feel aggrieved by any such Alteration shall 40 have the same Right to appeal therefrom as he would have had if his Name had been originally inserted in such Rate and no such Alteration had been made.

XLVIII. That

XLVIII. That it shall be lawful for the Commissioners from Time to Time to appoint *One* or more of their own Body, to be called the "Appeal Commissioner" or "Appeal Commissioners," to hear and determine all Appeals which shall be made against the Payment of any Rate made under this Act; and it shall be lawful for the "Appeal Commissioner" or "Commissioners" so appointed as aforesaid to summon before them, by Summons from the Executive Committee, any Person who may be in arrear in Payment of any Monies due, or any Rate or Assessment made by virtue of this Act, or who shall object to pay any such Arrears, Rate, or Assessment on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, and it shall be lawful for such Commissioner to give such Relief in the Premises as to him shall seem reasonable.

Persons aggrieved by Inequality of Rate may appeal to Appeal Commissioners.

XLIX. That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matter included in or omitted from such Rate, or by any Determination of the Commissioners, he may appeal to the next General or Quarter Sessions; but no such Appeal against such Rate, or any Matter contained or omitted from the same, or against the Determination of the Commissioners, shall be entertained at such General or Quarter Sessions unless *Fourteen* clear Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners, but the same shall be adjourned to the next General or Quarter Sessions, nor shall any Appeal against the Determination of the Commissioners be entertained unless the Party appealing against such Determination shall, within *Fourteen* Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made, and shall in either Case, within *Five* Days after such Notice, enter into Recognizance before some Justice with sufficient Sureties conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Session, or any Adjournment thereof.

Parties may appeal to the Quarter Sessions against a Rate.

L. That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

Quarter Sessions to make such Order as they think reasonable.

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On Appeal, Commissioners or Quarter Sessions may amend Rate without quashing it.

LII. That in any Appeal against any such Rate the Commissioners or the Court of Quarter Sessions shall and may amend such Rate in such Manner as may be necessary for giving Relief, and no such Amendment shall be held to avoid the Rate; but if upon Appeal against the whole Rate it shall be found necessary to set aside the same, then and in every such Case it shall be lawful for the Commissioners or Court of Quarter Sessions to order a new Rate to be made in manner herein directed. 5

Quarter Sessions, on Appeal, may award Costs.

LIII. That the Court of Quarter Sessions shall in any Appeal against any Rate under the Authority of this Act, or against the Determination of the Commissioners, have the same Powers of awarding Costs, to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in such Courts for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within the Metropolis. 15

Liability to Rates not to disqualify certain Officers and Commissioners to be competent Witnesses.

LIII. That no Person, though liable to the Payment of Money towards the Rates authorized to be raised under this Act shall by reason thereof be disabled to act as a Justice of the Peace, or as Coroner, Juror, or otherwise, in any Manner relating to the carrying of this Act into execution; nor shall any Commissioner be deemed to be an incompetent Witness in any Action, Suit, or Proceeding under this Act by reason of his being a Party in or to any such Action, Suit, or Proceeding. 20

Rates may be recovered by Action or Distress.

LIV. That if any Person rated under the Authority of this Act shall not pay the Rate due from him for the Space of *Fourteen Days* after Demand thereof in Writing by the Commissioners or their Collector, it shall be lawful for the Commissioners to recover the same by Action of Debt in any of the Superior Courts, or any other Court whatever having Jurisdiction there over Debts to the Amount sought to be recovered; and any Justice shall, on the Application of the Commissioners or their Collector, summon any Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rate due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be shown, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly. 25 30 35

Form of Warrant of Distress.

LV. That the Warrants of Distress for the Recovery of any Rate made payable by this Act may include any Person or several Persons, and may be in the Form or to the Effect mentioned in the Schedule (C.) to this Act annexed; and in all Cases where a Distress is hereby authorized to be made, every Constable authorized by the Warrant to levy any 40

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any Sum mentioned therein shall, upon being required by a Collector of Rates, aid in making a Distress or Sale pursuant to such Warrant, and every such Constable who shall refuse so to do shall be liable to a Penalty not exceeding *Five Pounds*.

5 LVI. That if any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Commissioners or their Collector on Demand, it shall be lawful for any Justice having Jurisdiction where such Person may reside or his Goods be found to  
10 summon such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rates be shown, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Persons  
about to quit  
liable to pay  
Rates on  
Demand.

15 LVII. That when any Water Rate shall be made for a particular Period, and the Owner or Occupier who shall be rated to such Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated before the End of such Period, such Owner or Occupier shall be liable to pay only such a Portion of the said  
20 Rate as is proportionate to the Time during which he continued to be the Owner or Occupier; and in every such Case if any Person shall become the Owner and Occupier of any Property so rated as aforesaid during any Part of any Period for which any such Rate shall have been made, that Person shall pay so much of the Rate as  
25 is proportioned to the Time during which he shall have held or occupied the Property so rated; and the same shall be recovered from him in the same Manner as if he had been originally rated for such Property.

Rates to be  
apportioned.

30 LVIII. That when the Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall remain unpaid for the Space of *Three Months*, it shall be lawful for the Commissioners, or their Collector, to recover the Amount of such Rate from the Occupiers of such rateable Property, by Distress and Sale of their Goods and Chattels in like Manner as Rates may be recovered from  
35 the Occupiers of any Property liable to be rated: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for any further Sum than the Amount of Rent due from him at the Time of the Demand made upon him for such Rate, or which shall, after such Demand and Notice not to pay the  
40 same to his Landlord, at any Time accrue and become payable by him, unless he shall refuse, on Application made to him for that Purpose by or on behalf of the Commissioners, truly to disclose the Amount of his Rent, and the Name and Address of such Person to

Rates due  
from Owner  
may be re-  
covered from  
Occupier to  
the Extent of  
Rent due.

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whom such Rent is payable; but the Burden of the Proof that the Sum demanded from any such Occupier is greater than the Rent which was due by him at the Time of such Notice, or which shall have since accrued, shall be upon such Occupier.

Penalty on  
Occupier re-  
fusing to  
give the  
Name of  
Owner.

LIX. That if, on the Request of the Commissioners or of the 5  
Collector of the said Rates, the Occupier of any Property shall refuse  
or wilfully omit to disclose, or shall wilfully mis-state to the Commis-  
sioners or Collector making such Request, the Name of the Owner  
of such Property, or of the Person receiving or authorized to receive  
the Rents of the same, it shall be lawful for any Justice on Oath made 10  
before him of such Request and of such Refusal or wilful Omission  
or Mis-statement, to summon the Person who shall have refused or  
wilfully omitted or mis-stated as aforesaid to appear at the Time and  
Place mentioned in such Summons before such Justice or before some  
other Justice; and if the Person so summoned shall refuse or neglect 15  
to attend at the Time and Place mentioned in the Summons, or if he  
shall attend and not show good Cause to the Justice then present  
for such his Refusal or wilful Omission or Mis-statement, it shall be  
lawful for such Justice upon Proof (in case of the Neglect or Refusal  
to attend as aforesaid) of the due Service of the said Summons, to 20  
impose a Penalty upon such Person who shall have so refused or  
wilfully omitted, or have made such wilful Mis-statement, not  
exceeding the Sum of *Five Pounds*, to be levied upon his Goods and  
Chattels by Warrant under the Hand of such Justice as aforesaid.

Occupier  
may recover  
Money paid  
for Rates  
from Owner  
or deduct  
the Amount  
from the  
Rent.

LX. That if the Amount of any Rate which, under the Provisions 25  
of this Act, ought to be borne and paid by the Owner of any  
rateable Property shall be paid by the Occupier of such Property or  
levied on his Goods and Chattels, then the Person who shall be the  
Owner of such Property at the Time of such Payment or Levy shall  
reimburse the Occupier; and it shall be lawful for the Occupier to 30  
deduct the Sums paid or levied, together with the Costs of the Distress  
(if any) paid by him, from any Rent due or to become due from him  
in respect of such Property; and the Payment shall be a good and  
sufficient Discharge for such Occupier against such Owner for so much  
Money as he shall have paid in the Manner directed by this Act, or 35  
shall have sustained the Loss of by reason of any Distress made  
under this Act; or such Occupier may recover the same from such  
Owner as aforesaid, by Action of Debt or on the Case, to be brought  
in any Superior or other Court whatsoever having Jurisdiction.

Commis-  
sioners may  
make Ar-  
rangements

LXI. And whereas it is expedient that the Rates hereby au- 40  
thorized to be made should be collected in the most expeditious  
and economical Manner: Be it enacted, That the Commissioners may,  
if

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if they think fit, make Arrangements for the levying and collecting of the Water Rates hereby authorized at the same Time and by the same Persons as the Rates for the Relief of the Poor, or any other Rates and Assessments made and collected in the Metropolis ; and  
5 with that View the said Commissioners may agree with any Boards of Guardians, Officers, or Collectors with respect to the Method and Cost of collecting the said Water Rates.

for cheaper  
Collection  
of Rates.

LXII. And be it enacted, That this Act shall be a Public Act, Public Act.  
and shall be judicially taken notice of as such.

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(Control of, by Representative Body.)  

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A

**B I L L**

For constituting Commissioners for the  
Supply of Water to the Metropolis.

(Prepared and brought in by  
*Mr. Francis Mowatt, Sir Benjamin Hall, and  
Mr. Charles Lushington.*)

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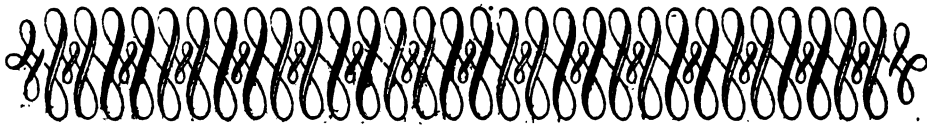
*Ordered, by The House of Commons, to be Printed,  
4 June 1851.*

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363.

*Under 3 oz.*



A

## B I L L

To suspend the making of Lists and the Ballots  
and Enrolments for the Militia of the United  
Kingdom.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in Committee.]

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**W**HEREAS it is expedient to suspend for a further Period Preamble.  
the making of Lists and the Ballots and Enrolments for  
the Militia of the United Kingdom: Be it therefore  
enacted by the Queen's most Excellent Majesty, by and with the  
5 Advice and Consent of the Lords Spiritual and Temporal, and Com-  
mons, in this present Parliament assembled, and by the Authority of  
the same, as follows,

I. All General and Subdivision Meetings relating to the Militia of General and  
Subdivision  
Meetings re-  
lating to the  
Militia sus-  
pended.  
the United Kingdom, and all Proceedings relating to the procuring  
10 any Returns, or preparing or making out Lists of such Militia or any  
Part thereof, or relating to the balloting for or enrolling any Militia-  
men or Substitutes, or supplying any Vacancies in such Militia, shall  
cease and remain suspended until the *First Day of October One*  
*thousand eight hundred and fifty-two.*

15 II. Provided always, That it shall be lawful for Her Majesty  
by any Order in Council to direct that any Proceedings shall be Proceedings  
may be had  
during such  
Suspension  
by Order in  
Council.  
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# Militia Ballots Suspension.

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A

## B I L L

To suspend the making of Lists and the  
Ballots and Enrolments for the Militia  
of the United Kingdom.

(*Prepared and brought in by*  
*Mr. Bouverie and Mr. Secretary-at-War.*)

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*Ordered, by The House of Commons, to be Printed,*  
*7 July 1851.*

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494.

*Under 1 oz.*

19 July 1851. 14 & 15 Vict.



A

# B I L L

TO

Defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

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[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

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**W**HEREAS it is necessary that Provision should be made Preamble.  
for defraying the Charge of the Pay, Clothing, and contingent and other Expenses of the Regular Militia, and of the Miners of Cornwall and Devon, when disembodied, in Great  
5 Britain and Ireland, and for making in certain Cases Allowances of Reduced Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of  
10 Devon and Cornwall, while disembodied, and Allowances to Adjutants, Paymasters, Surgeons, Quartermasters, and Serjeant Majors of the Regular Militia who have been or may be reduced, and to Adjutants, Surgeons, and Quartermasters disabled after long Service: Be  
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it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Secretary at War to issue the Money required for Pay of Regular Militia. I. The Secretary at War for the Time being shall cause to be 5  
issued and paid the whole Sum required for the Regular Militia of Great Britain and Ireland (when disembodied), in the Manner and for the several Uses herein-after mentioned ; (that is to say,) for the Pay of the said Regular Militia at the Rates following ; (that is to say,) 10

Rates of Pay. For each Adjutant, *Eight Shillings* per Diem :  
For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, *Two Shillings and Sixpence* per Diem :  
For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, *One Shilling and Tenpence* 15  
per Diem :  
For each Serjeant, having been a Colour Serjeant in One of the Provisional Battalions of Militia, *Two Shillings* per Diem :  
For each Serjeant, *One Shilling and Sixpence* per Diem :

Rates of Pay when absent on Furlough. Provided always, that when any Serjeant Major or Serjeant shall 20  
be absent on Furlough or Licence he shall during such Absence receive *Sixpence* per Diem less than the above-mentioned Rates respectively :

Clothing. And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or 25  
Commandant, at the Rate of *Five Pounds Twelve Shillings and One Penny* for each Serjeant Major, and Three Pounds for each Serjeant, and so in proportion in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expense of Package and Carriage, and such Charges for 30  
altering and fitting the Clothing as shall have been sanctioned by the Secretary at War : Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of June One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in 35  
Two Years ; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years :

Contingent Fund. And also at the Rate of *Sixpence* per Annum for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, 40  
or Corps.

Adjutant, &c. to reside where the Secretary at Militia, when disembodied, shall reside in such Places as shall be sanctioned

sanctioned by the Secretary at War; and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond *Three Calendar Months* in One Year, nor to a greater Proportion than *One Third* of the Non-commissioned Officers at the same Time.

War shall appoint.

III. Every Adjutant and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of Chelsea Hospital, in such Manner as One of Her Majesty's Principal Secretaries of State may determine.

Adjutants and Non-commissioned Officers of Militia may be employed in their Counties.

IV. The Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and shall, out of the Allowance of *Sixpence* per Annum for each Private Man directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall *Three Times* in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

Adjutant to have Charge of the Arms and Clothing, and to issue the Money for contingent Expenses on an Order signed by the Colonel.

Balance to form a Stock Purse.

V. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

In Absence of the Adjutant, the Serjeants to be under the Command of the Serjeant Major.

**Militia when called out for Training or Exercise entitled to Pay.** VI. The Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the 5 Militia when embodied.

**Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.** VII. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of Great Britain and Ireland while disembodied, under certain Regulations: The following Allowances shall be made and paid, to the Amount, under the 10 Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in Great Britain, and to every Subaltern Officer and Assistant Surgeon in Ireland, who held a Commission in the Militia of Great Britain or Ireland, and was serving therein, when the Corps was last disembodied, and also 15 to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in Ireland which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, *Two Shillings and Sixpence* per Diem : 20

To an Ensign, *Two Shillings* per Diem :

And to a Surgeon's Mate or Assistant Surgeon, *Two Shillings and Sixpence* per Diem :

**Rank of certain Officers.** Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain Lieutenants shall be deemed 25 to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in Ireland as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to 30 serve therein from that Time.

**Certain Persons not entitled to Allowances.** VIII. Provided also, No Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be 35 appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof.

**A Declaration to be taken to entitle Officers, &c. to such Allowances.** IX. The Subaltern Officers, Surgeons Mates, and Assistant Sur- 40 geons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some One of Her Majesty's Jus- tices

tices of the Peace of the United Kingdom, Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (videlicet,)

' I A.B. do solemnly and sincerely declare, That I belonged to the Form of Declaration.  
 ' of Militia when the same was disembodied,  
 ' and that I have continued to serve therein from that Time until  
 ' the Day of inclusive, as a [Lieutenant,  
 10 ' Ensign, Surgeon's Mate, or Assistant Surgeon, as the Case may be];  
 ' and that I was not, in my own Right or in the Right of my Wife,  
 ' during any Part of the Period for which I now claim to receive my  
 ' Allowance, (that is to say,) from the Day of  
 ' to the Day of both  
 15 ' inclusive, in the actual Possession and Enjoyment or Receipt of the  
 ' Rents and Profits of Lands, Tenements, or Hereditaments of such  
 ' an annual Value above Reprizes as would qualify me to hold a  
 ' Commission of Captain of a Company in the Militia; that I was  
 ' not in Holy Orders; that I have not during the above Period held  
 20 ' the Appointment of Adjutant, Surgeon, Paymaster, or Quarter-  
 ' master in any Regiment, Battalion, or Corps of Militia; that I did  
 ' not hold or enjoy, nor did any Person for me hold or enjoy, during  
 ' the said Period, any Place, Office, or Employment of Profit, Civil  
 ' or Military, under the Crown or any other Government, besides  
 25 ' the Allowance of a Day now claimed, except  
 ' my Half Pay as a [of the Army or  
 ' Navy or Marines, or of a Provisional Battalion formed from the  
 ' Militia, as the Case may be], and any Pay and Allowances from the  
 ' to the both Days inclusive, during which  
 30 ' Period the Corps was assembled for Training and Exercise.'  
 Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

X. It shall be lawful for the Secretary at War to place any such Secretary at War may place certain Officers unfit for Duty upon a retired Allowance, upon making the following Declaration.  
 35 Lieutenant, Ensign, and Surgeon's Mate of the Militia of Great Britain, or Subaltern Officer and Assistant Surgeon of the Militia of Ireland, when unfit for further Duty, upon a retired Allowance equal to and instead of the Allowance granted on the disembodiment of the Militia at the Termination of the War; and all such Subal-  
 40 terns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowance, shall make and subscribe the following Declaration; (videlicet,)

' I do solemnly and sincerely declare, That I Form of Declaration.  
 ' formerly served as a in the  
 45 ' Militia; that I am not in Holy Orders; and that from the  
 561. B ' Day



XIII. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of Great Britain and Ireland have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

**Out-Pension  
to Reduced  
Non-com-  
missioned  
Officers and  
Drummers  
not to be re-  
ceived while  
serving.**

**Subalterns,  
Mates, &c.  
to attend the  
Exercise,  
&c.**

**Command-  
ing Officers  
may grant.  
Leave of  
Absence.**



tion thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned) to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on making the Declaration, without Certificate of Attendance.

XV. Provided always, In case any Regiment, Battalion, or Corps 5 of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits 10 of this Act, who shall have made and subscribed the Declaration herein-before mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law 15 appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

Allowances to be paid quarterly.

5 & 6 Vict. c. 35.

XVI. Upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to 20 their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, the Paymaster General shall pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper 25 Periods, without any Deduction whatsoever, save and except that provided by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled "An Act for granting to " Her Majesty Duties on Profits arising from Property, Professions, " Trades, and Offices, until the Sixth Day of April One thousand 30 " eight hundred and forty-five," or by any other Act which may be passed continuing the Payment of such Duties for a further Period, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XVII. The Paymasters, Surgeons, Quartermasters, Subaltern Offi- 35 cers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and 40 in case of Neglect or Refusal to attend when called upon, on such Occasion, or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied,

disembodied, every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of Great Britain, to the Lord Lieutenant of the County, 5 by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all 10 Intents and Purposes whatsoever.

XVIII. Nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid to the said Allowance or any Part thereof during the Time the Militia 15 to which he belongs shall be embodied or assembled for Training and Exercise.

Allowance not to be paid while the Militia is embodied.

XIX. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or 20 Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such 25 Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Declaration to be taken for the Receipt 30 of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XX. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular 35 Militia, entitled to receive any Chelsea or Kilmainham Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his 40 Right to receive any such Chelsea or Kilmainham Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Adjutants, &c., Non-commissioned Officers or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

Allowance  
to be made  
for Medi-  
cines.

XXI. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of *One Guinea* for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such 5 Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of *Twopence* per Week for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters, for the Expense of necessary Medicines and Attendance given to the said Non-commis- 10 sioned Officers while such Regiment is not called out for Training and Exercise.

Adjutants  
appointed  
before 24th  
Dec. 1814  
entitled to  
receive, after  
a Service of  
20 Years, if  
unfit for fur-  
ther Service,  
an Allow-  
ance of 8s.  
per Day;  
provided  
they do not  
hold certain  
other Ap-  
pointments.

XXII. Every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of December One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's 15 Regular Forces or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as 20 aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall pay to such Person, an Allowance at the Rate of *Eight Shillings* per Diem: Provided always, that no 25 Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of June One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or 30 in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount 35 of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of June One thousand eight hundred and twenty-nine to any Civil Place or Employment of 40 Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of December 45  
One

- One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of *Six Shillings* a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of *Eight Shillings*: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of *Eight Shillings* or *Six Shillings* a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of December One thousand eight hundred and fourteen and the Ninth Day of July One thousand eight hundred and twenty-three the Terms, either in whole or in part, hereinbefore prescribed for the Retirement of Adjutants appointed before the Twenty-fourth Day of December One thousand eight hundred and fourteen.

Adjutant appointed since 24th Dec. 1814 entitled to receive, after Thirty Years Service, &c., an Allowance of 6s. per Day.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

- XXIII. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmary been rendered unfit for further Service: Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances to Adjutants, Surgeons, and Quartermasters.

Right to Half Pay reserved.

- XXIV. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of *Four Shillings* per Diem shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of July One thousand eight hundred and fifty-one, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be.)

Reduced Adjutants to receive 4s. per Day till 31st July 1852.

Right to  
Half Pay  
reserved.

be,) to the *Thirty-first Day of July One thousand eight hundre and fifty-two*, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right 5 he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Adjutants  
and Serjeant  
Majors  
entitled to  
Allowance  
under 39 &  
40 G. 3. c. 44.

XXV. And whereas certain Adjutants and Serjeant Majors are 10 entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King George the Third, which Allowances have been continued, and as to such Adjutants augmented to *Four Shillings* per Diem: All such Adju- 15 tants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the *Thirty-first Day of July One thousand eight hundred and fifty-one* to the *Thirty-first Day of July One thousand eight hundred and fifty-two*.

Allowances  
granted to  
Adjutants  
who have  
been ap-  
pointed since  
24th Dec.  
1814, &c. on  
Completion  
of certain  
Periods of  
Service.

XXVI. The following Allowances shall be granted and paid, under 20 the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of Great Britain and Ireland who have been appointed since the Twenty-fourth Day of December One thousand eight hundred and fourteen, and who shall hereafter be appointed, on the Completion of the following Periods of Service in Her Majesty's 25 Regular Forces and in the Militia, if unfit for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (videlicet,)

Fifteen Years, of which Five Years as an Adjutant of Militia, 30 an Allowance of *Three Shillings* per Diem:

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of *Four Shillings* per Diem:

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of *Five Shillings* per Diem: 35

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of *Six Shillings* per Diem:

No Adjutant  
whose Com-  
mission bears  
Date be-  
tween 24th  
Dec. 1814  
and 9th July  
1823 ex-  
cluded.

Provided always, that no such Adjutant whose Commission bears Date between the Twenty-fourth Day of December One thousand eight hundred and fourteen and the Ninth Day of July One thousand 40 eight hundred and twenty-three shall be excluded from the Operation of the Authority vested in the Secretary at War to determine certain Cases of Adjutants of long and meritorious Services; provided also,

also, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary at War of a Certificate of such Service and Disability; and the Paymaster General shall pay to such Adjutant the above Allowance, subject to the same Limitations and Restrictions in respect to the holding of any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, as attach to other Adjutants to whom retired Allowances have been or shall be granted.

Right to Half Pay and Pension reserved.

XXVII. Every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King George the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King George the Third, intituled "An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of Great Britain called England," or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King George the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmary.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

Proviso.

XXVIII. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: The said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

Allowances  
to Clerks of  
General and  
Subdivision  
Meetings in  
England.

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances  
to such Offi-  
cers and  
others in  
Scotland.

42 G. 3. c. 91.

Manner of  
granting  
Allowances.

Clerks, &c.  
to make  
Declaration  
of the Just-  
ness of their  
Accounts.

XXIX. In every County in England and Wales when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings, and the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King 5 George the Third, intituled "An Act for amending the Law relating " to the Militia in England, and for augmenting the Militia," and of any other Acts relating to the said Militia; and also the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieu- tenancy for their Trouble and Expenses in the due Execution of an 10 Act passed in the Thirty-seventh Year of the Reign of King George the Third, intituled "An Act for the better raising and ordering the " Militia Forces for the Tower Hamlets in the County of Middle- " sex," and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision 15 Meetings of the Lord Warden and Deputy Wardens of the Stannaries of Cornwall and Devon for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King George the Third, intituled "An Act for repealing an Act " made in the Thirty-eighth Year of the Reign of His present 20 " Majesty King George the Third, intituled 'An Act for raising a " ' Body of Miners in the Counties of Cornwall and Devon for the " ' Defence of the Kingdom during the present War, and for the " ' more effectually raising and regulating a Body of Miners for " ' the Defence of Great Britain,'" and of any other Acts relating to 25 the said Militia; and in every County, Stewartry, City, or Place in Scotland where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expenses in the due 30 Execution of an Act passed in the Forty-second Year of the Reign of King George the Third, intituled "An Act to raise and establish " a Militia in Scotland," and of any other Acts relating to the said Militia.

XXX. The said Allowances shall be granted as follows; (videlicet,) 35 the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of Cornwall and Devon, or by Two or more Deputy Wardens of the Stannaries of Cornwall and Devon; 40 and the Clerks of General and Subdivision Meetings in Great Britain, and the Schoolmasters, Constables, and other Officers in Scotland, shall make a Declaration as to the Justness of the Ac- counts, in the following Terms respectively, before some Justice of the Peace; (videlicet,) 45

Declaration

Declaration of a Clerk of General or Subdivision Meetings.

‘ I do solemnly declare, That the preceding Account,  
 ‘ so far as regards my Interest therein, is a just and true Account  
 ‘ of Business performed by me for and in behalf of the public Service,  
 5 ‘ according to the Manner therein set forth; and the Sums claimed  
 ‘ as disbursed were actually paid by me.’

Declaration of a Schoolmaster, Constable, or other Officer in  
 Scotland.

‘ I do solemnly declare, That I am the Parochial  
 10 ‘ Schoolmaster [or Constable, or other Officer] of the District  
 ‘ of in the Subdivision of the County  
 ‘ of ; and that the preceding Account is a just and  
 ‘ true Account of Business actually performed by myself for and in  
 ‘ behalf of the public Service, according to the Manner therein  
 15 ‘ set forth; and that I was employed on such Business the full  
 ‘ Time therein stated; and that the Sums claimed as disbursed were  
 ‘ actually paid by me.’

And the said Accounts shall be transmitted to the Secretary at War,  
 who is hereby empowered to issue the Allowances according to the  
 20 Rate specified in the Table to this Act annexed, or such Sums as he  
 shall think reasonable and proper.

XXXI. And whereas it is expedient that the Deputy Lieutenants  
 acting in any Subdivision of any County, Stewartry, City, or Place  
 in Great Britain and the Special Deputy Wardens acting in any  
 25 Subdivision in the Stannaries of the Counties of Cornwall and Devon,  
 should be assisted by the Advice of a Surgeon in deciding upon the  
 Appeals of Persons claiming to be exempt from Service in the  
 Militia by reason of bodily Infirmary, and upon the Fitness for Service  
 of the Persons presenting themselves for Enrolment: It shall be  
 30 lawful for any Two Deputy Lieutenants and they are hereby em-  
 powered and required to summon, by Two Days previous Notice  
 in Writing, any competent Surgeon residing at or nearest to the  
 Place where any Meeting for Appeals or Enrolment shall be held,  
 to attend at such Meeting; and every such Surgeon shall, before  
 35 he begins any such Examination, make the following Declaration,  
 which Declaration any Deputy Lieutenant is hereby authorized to  
 administer; (videlicet,)

‘ I do solemnly declare, That I will, to the best of  
 ‘ my Ability, faithfully and truly report as to the Fitness for  
 40 ‘ Service of the Man or Men about to be submitted to my Exami-  
 ‘ nation, and that I will not receive from any of them any Fee or  
 ‘ Reward whatever for any such Examination.’

And every such Surgeon shall receive for each Day’s Attendance at  
 such Meeting a Sum not less than *Half a Guinea* nor exceeding *Two*  
 561. *Guineas*,

Deputy  
 Lieutenants  
 may require  
 the Attend-  
 ance of any  
 Surgeon re-  
 siding near  
 the Place of  
 Meeting for  
 Appeals.

Declaration  
 to be made  
 by Surgeon.

Allowance  
 to Surgeon.



*Guineas*, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenancy Clerks, for Examination and 5 Payment.

Pay, &c. to be issued under Directions of the Secretary at War.

XXXII. All Sums of Money granted for the Pay, Clothing, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary at War, by 10 the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXXIII. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or 15 written on unstamped Paper.

No Fee to be taken.

XXXIV. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Allowance to Adjutant for his Residence and Accommodation in Ireland.

Allowance for Hire of House or Place for depositing Arms and Stores of the Militia in Ireland.

XXXV. For the Residence and Accommodation of the Adjutant 20 belonging to any Regiment or Battalion of Militia in Ireland, when not embodied, there shall be paid to such Adjutant the yearly Sum of *Twenty Pounds Seventeen Shillings* of the Currency of the United Kingdom of Great Britain and Ireland, and for the Hire of any House or Place to be provided for the keeping of the Arms, Accou- 25 trements, Clothing, or other Stores of such Regiment, there shall be paid to such Adjutant, or if there be no Adjutant, then to the Non-commissioned Officer in charge of the Stores, the yearly Sum of *Five Pounds* of such Currency, which Sums shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other 30 Sums of Money and Expenses payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears which shall not have been presented and paid before the passing of this Act, or which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the 35 Presentment of the Grand Jury of the said County, which Presentment the Grand Jury of the County shall pass on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary, or by the 40 Assistant Under Secretary, without any Application at Presentment Sessions, and specifying the said Allowances to be made to the Adjutant,

Adjutant, or to a Non-commissioned Officer, as the Case may be, and any other Expense payable and to be defrayed by the County in respect of the Militia of the County; and the said Certificate shall be transmitted by such Chief or Under Secretary or Assistant Under  
 5 Secretary to the Clerk of the Crown for the County at any Time prior to the First Day of Assizes for such County, or if the County or County of the City of Dublin, then prior to the First Day of the Presenting Term.

XXXVI. In all Cases where any Place provided under [an Act  
 10 passed in the Forty-second Year of the Reign of King George the Third, intituled "An Act for amending the Laws relating to the  
 " Militia in England, and for augmenting the Militia," for the Pur-  
 purpose of keeping therein the Arms, Accoutrements, Clothing, and other  
 Stores belonging to any Regiment, Battalion, or Corps of Militia  
 15 when not embodied, and the Hire or Cost of which Place may have been paid by the Treasurer of any County, Riding, or Place out of the County Rates of the same, according to the Provisions of the said Act, hath or at any Time hereafter shall, from Change of the Occupation of the adjoining Property or other Causes, become inse-  
 20 cure or unfit for such Purpose, or the Public Convenience may require the same to be changed or sold, the Justices of such County, Riding, or Place assembled at any General Quarter Session of the Peace, after Representation made to them of such Insecurity or Unfitness or Inconvenience by the Lord Lieutenant of such County, and the  
 25 Colonel of such Regiment, Battalion, or Corps, and Evidence thereof given to the Satisfaction of the said Justices so in Quarter Sessions assembled, to order some other convenient and proper Place to be provided or built for the Purpose of keeping therein the Arms, Accoutrements, Clothing, and other Stores belonging to any Regiment,  
 30 Battalion, or Corps of Militia when not embodied, the Purchase, Hire, or Cost of which Place, in case the same shall be approved of by the Lord Lieutenant and Colonel of Militia of such County, Riding, or Place, shall be paid for by the Treasurer of such County, Riding, or Place, out of the County Rates.

Providing  
 Place for  
 Arms, &c.  
 42G.3. c.90.

35 XXXVII. In all such Cases as aforesaid the Persons or Person in whom such Place which may have become insecure or unfit for the Purposes aforesaid may be vested, upon Service upon them or him of an Order made at any Court of Quarter Sessions of the Peace, setting forth that another and more convenient and proper Place  
 40 has been provided for the Purpose aforesaid, whereby the Place so purchased for the Purpose aforesaid has become useless, shall proceed forthwith, in such Manner as they shall think best, to sell and convey and assure the same to any Purchaser or Purchasers thereof,  
 561. E

Sale of Place  
 not required.

thereof, freed and discharged from the Uses or Trusts to which it had theretofore been liable and subject, and give Receipts and Acquittances for the Purchase Money or Purchase Monies thereof, and shall, upon Receipt of the Money arising therefrom, after deducting thereout all Costs and Charges attending such Sale or Sales, pay the same 5 unto the Treasurer of such County, Riding, or Place, to be by him applied and paid towards the Cost of such Place to be so purchased as aforesaid, or the fitting up the same, and in case no such Place shall be so purchased, then toward the Expenses of fitting up such Place which may be so hired as aforesaid for the Purposes aforesaid, 10 and the Residue of such Purchase Money (if any) shall be invested in the Public Funds, and the Interest thereof applied in aid of the Rate of such County or Riding, according as the Justices of the same in Quarter Session assembled may direct; and no Person purchasing any Place so sold as aforesaid shall be bound to inquire whether any 15 of the Circumstances have arisen under which it has been determined to sell the same as aforesaid, nor shall he be bound to see to the Application or Nonapplication of his, her, or their respective Purchase Monies; and when and as soon as the Persons or Person in whom such Place shall have been so vested as aforesaid shall have paid to 20 the said County Treasurer the clear Proceeds arising from such Sale or Sales, and shall have procured from such Treasurer his Receipt for the same, then and from thenceforth such Persons or Person shall be forthwith discharged from all Liability, Claim, or Demand in respect of the said Place so vested in him or them for the Purposes aforesaid, 25 and also from all Liability, Claim, or Demand in respect of the Proceeds arising from the Sale of such Place; and such Receipt shall be a Bar to the Claim of any Person or Persons whatsoever in such County, Riding, or Place, or any Person or Persons claiming under them any Right, Title, or Estate to such Place or the Proceeds thereof. 30

All Things  
in this Act  
relating to  
Counties  
shall extend  
to Ridings,  
Shires, &c.

XXXVIII. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of Cornwall and Devon. 35

Continuance  
of Act.

XXXIX. This Act shall take effect and continue in force from the Thirty-first Day of July One thousand eight hundred and fifty-one until the *First Day of September One thousand eight hundred and fifty-two.*

TABLE

## TABLE to which this Act refers.

SCALE of RATES of REMUNERATION to the Clerks of General and Sub-division Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, c. 90. and 91., and other Acts relating to the Militia.

## ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements)	£	s.	d.
	-	0	7 6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each	-	5	5 0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants	-	1	11 6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia	-	2	2 0
In Counties furnishing from 201 to 400 Men	-	3	3 0
Ditto - from 401 to 600 Men	-	4	4 0
Ditto - from 601 to 800 Men	-	5	5 0
Ditto - from 801 Men and upwards	-	6	6 0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under	-	1	1 0
Ditto - from 201 to 400 Men	-	2	2 0
Ditto - from 401 to 600 Men	-	3	3 0
Ditto - from 601 to 800 Men	-	4	4 0
Ditto - from 801 Men and upwards	-	5	5 0

7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):

For engrossing 50 Names and under	-	-	-	0	5	0
Ditto - 51 to 150 Names	-	-	-	0	10	0
Ditto - 151 to 250 Names	-	-	-	1	0	0
Ditto - 251 Names and upwards	-	-	-	1	10	0

8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:

In Counties furnishing One Regiment, Battalion, or Corps	-	-	-	-	0	15	0
Ditto - Two	-	-	Ditto	-	1	10	0
Ditto - Three	-	-	Ditto	-	2	0	0

No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.

Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.

9. For Stationery:

To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men	-	-	-	-	2	0	0
Ditto - from 301 to 600 Men	-	-	-	-	3	0	0
Ditto - from 601 to 900 Men	-	-	-	-	4	0	0
Ditto - from 901 Men and upwards	-	-	-	-	5	0	0

10. For Copyings, Correspondence, &c. &c.:

To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under	-	-	-	-	2	0	0
In a County furnishing from 201 to 400 Men	-	-	-	-	3	0	0
Ditto - from 401 to 600 Men	-	-	-	-	4	0	0
Ditto - from 601 to 800 Men	-	-	-	-	5	0	0
Ditto - from 801 Men and upwards	-	-	-	-	6	0	0

11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.

The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - - 0 0 6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and

Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion	-	-	-	-	£	s.	d.
					1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps	-	-	-	-	2	0	0
Ditto - Two - Ditto -	-	-	-	-	3	0	0
Ditto - Three - Ditto -	-	-	-	-	4	0	0

## ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - - 0 5 0
- Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter - - - - - 0 1 0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet,  
For receiving Lists and hearing Appeals,  
For balloting,  
For enrolling,  
And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - - - - 2 2 0
- And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - - - - - 1 5 0
- And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant - - - - - 0 15 0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - - - - - 0 0 6
- And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - - - - - 0 0 6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men £2 per 1,000
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - - 50 Men and under - - - - - 2 2 0
- Ditto from 51 to 150 Men - - - - - 3 3 0
- Ditto from 151 to 250 Men - - - - - 4 4 0
- Ditto from 251 Men and upwards - - - - - 5 5 0

19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)
- |  |   |   |   |   |    |   |
|--|---|---|---|---|----|---|
| For a Roll containing 50 Names and under | - | - | - | 0 | 5  | 0 |
| Ditto from 51 to 150 Names               | - | - | - | 0 | 10 | 0 |
| Ditto from 151 to 250 Names              | - | - | - | 0 | 15 | 0 |
| Ditto from 251 Names and upwards         | - | - | - | 1 | 0  | 0 |
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)
- |   |   |   |   |   |    |   |
|---|---|---|---|---|----|---|
| For a Subdivision furnishing 50 Men and under | - | - | - | 1 | 10 | 0 |
| Ditto from 51 to 150 Men                      | - | - | - | 2 | 0  | 0 |
| Ditto from 151 to 250 Men                     | - | - | - | 2 | 10 | 0 |
| Ditto from 251 Men and upwards                | - | - | - | 3 | 0  | 0 |
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)
- |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| For a Subdivision furnishing 50 Men and under | - | - | - | 2 | 0 | 0 |
| Ditto from 51 to 150 Men                      | - | - | - | 3 | 0 | 0 |
| Ditto from 151 to 250 Men                     | - | - | - | 4 | 0 | 0 |
| Ditto from 251 Men and upwards                | - | - | - | 5 | 0 | 0 |
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.
- The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:
- |   |   |   |   |   |    |   |
|---|---|---|---|---|----|---|
| For a Subdivision furnishing 50 Men and under | - | - | - | 0 | 5  | 0 |
| Ditto from 51 to 150 Men                      | - | - | - | 0 | 10 | 0 |
| Ditto from 151 to 250 Men                     | - | - | - | 0 | 15 | 0 |
| Ditto from 251 Men and upwards                | - | - | - | 1 | 0  | 0 |

#### TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:
- |  |   |   |   |   |    |   |
|--|---|---|---|---|----|---|
| For each Precept containing 50 Names and under | - | - | - | 0 | 5  | 0 |
| Ditto from 51 to 150 Names                     | - | - | - | 0 | 10 | 0 |
| Ditto from 151 to 250 Names                    | - | - | - | 0 | 15 | 0 |
| Ditto from 251 Names and upwards               | - | - | - | 1 | 0  | 0 |

And for filling up printed Precepts to the Chief Constables, £ s. d.  
and to the Schoolmasters, Constables, or other Officers of  
the Parishes within the Subdivision of any County, Stew-  
artry, City, or Place in Scotland, to give Notice in Writing  
to the Men enrolled to attend the Training and Exercise  
of the Militia :

For each Precept containing 10 Names and under	-	0	0	6
Ditto from 11 to 30 Names	-	0	1	0
Ditto from 31 to 50 Names	-	0	2	6
Ditto from 51 to 70 Names	-	0	4	0
Ditto from 71 to 100 Names	-	0	7	0
Ditto from 100 upwards	-	0	10	0

25. For making out full and true Lists of the Names and Dates  
of Enrolment of all Persons enrolled within each Subdi-  
vision respectively, for the Use of the Commanding Officer  
and Adjutant of each Regiment, Battalion, or Corps of  
any County, Stewartry, City, or Place in Great Britain,  
previously to the Training and Exercise :

For a Roll containing 20 Names and under	-	0	2	0
Ditto from 21 to 50 Names	-	0	5	0
Ditto from 51 to 150 Names	-	0	10	0
Ditto from 151 to 250 Names	-	0	15	0
Ditto from 251 and upwards	-	1	0	0

26. For correcting the Books of Enrolment of the Subdivision  
so as to correspond accurately with the Extracts from the  
Adjutant's or other Commanding Officer's Return, Sched-  
ule (F.), of the State of the Classes of the Men forming  
the Quota or Apportionment serving in the Regiment,  
Battalion, or Corps of Militia of any County, Stewartry,  
City, or Place in Great Britain :

For a Subdivision furnishing 50 Men and under	-	0	5	0
Ditto from 51 to 150 Men	-	0	10	0
Ditto from 151 to 250 Men	-	0	15	0
Ditto from 251 and upwards	-	1	0	0

#### ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Household-  
ers, for each Day consisting of Eight Hours - 0 5 0  
28. For making out Lists, for each Folio consisting of Sixty  
Lines - 0 1 0  
29. For attending Meetings of Lieutenancy, each Meeting - 0 10 0  
30. For filling up and delivering Notices to balloted Men, per  
Day - 0 5 0  
31. For Stationery, per Annum - 0 5 0

#### ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Household-  
ers, for each Day consisting of Eight Hours - 0 4 0  
33. For making out Lists, for each Folio consisting of Sixty  
Lines - 0 1 0  
34. For attending each Meeting of Lieutenancy, per Day - 0 4 0  
35. For filling up and delivering Notices to balloted and en-  
rolled Men, per Day - 0 4 0  
36. For Stationery, where the Lists are made out by the Con-  
stables, per Annum - 0 5 0



**SPECIAL CONTINGENT ALLOWANCES** applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk such Person shall have an Allowance for his travelling Expenses not exceeding Nine-pence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.
38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

## Militia Pay.

A

## B I L L

To defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Sergeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

*(Prepared and brought in by  
Mr. Bernal, Sir G. Grey, and Mr. Cornwall Lewis.)*

*Ordered, by The House of Commons, to be Printed,  
19 July 1851.*

561.

*Under 3 oz.*

10 February 1851. 14 VICT.



(Ireland.)

A

# B I L L

TO

Amend an Act of the Parliament of Ireland of the Twenty-fifth Year of King George the Third, for explaining and amending several Laws for the Encouragement of Agriculture, so far as relates to Leases for the Erection of Mills.

**W**HEREAS by an Act of the Parliament of Ireland of the Twenty-fifth Year of the Reign of His late Majesty King George the Third, intituled "An Act to explain and amend several Laws now in force for the Encouragement of Agriculture," it is amongst other things enacted, that it shall and may be lawful for every Archbishop and Bishop, and for every Dean, Dean and Chapter, Archdeacon, Dignitary, Prebendary, Rector, Vicar, and Ecclesiastical Person whatsoever, with the Consent of the Archbishop or Bishop of their respective Diocese, signified under the Hand and Seal of such Archbishop and Bishop respectively, and for the Master and Governors and Fellows of Colleges and Hospitals, and for every Person or Persons whatsoever, being seised in possession in Law or Equity of an Estate in Fee Tail or for his Life, with immediate Remainder over to or in trust for his

Preamble.  
25 G. 3. c. 62.  
s. 12.

5  
10

31. Issue,

Issue, to make One or more Lease or Leases for any Term or Number of Years, or for One, Two, or Three Lives, with Covenant of perpetual Renewal, of any Part or Parts of Land to them respectively belonging, not being any Part of the Demesne usually occupied with his or their Mansion House, and not exceeding Three Acres Plantation Measure in any One such Lease, to any Person or Persons, for the Purpose of building Corn Mills, making Mill Ponds or Mill Dams, and that all Grants or Leases so made shall be good and effectual against the Successors of every such Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Dignitary, Prebendary, Rector, Vicar, and other Ecclesiastical Person respectively, and against the Successors of the Masters, Governors, and Fellows of Colleges and Hospitals respectively, subject to certain Provisoos, Restrictions, and Conditions in the said Act contained relating thereto; and it is by the said Act further enacted, that like Leases, with like Powers, Restrictions, Reservations, and Covenants, may be made respectively and be valid for the Purpose of erecting Mills and making Mill Dams or Ponds for any Machinery of Manufacture to be turned or employed by Water: And whereas it is expedient to extend the like Provisions to Mills or Factories with Machinery to be turned or employed by Steam or otherwise than by Water: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

s. 13, 14.  
s. 15.

Like Leases of Lands may be made for erecting Mills with any Machinery to be turned by Steam, &c. as under the recited Act may be made as to Mills to be turned by Water.

I. That like Leases of Lands, with like Powers, Restrictions, Reservations, and Covenants, may be made respectively, by like Persons, Bodies, Politic, Corporate, or Collegiate, Dignitaries, Ecclesiastical Persons, and other Bodies as aforesaid, and shall be valid for the Purpose of erecting Mills or Factories in Ireland for any Machinery of Manufacture to be turned or employed by Steam or otherwise than by Water, as under the Provisions of the said recited Act may be made and be valid for the Purpose of erecting Mills or making Mill Dams or Ponds for any Machinery of Manufacture to be turned or employed by Water.



# **Mills and Factories.**

(Ireland.)

A

## **BILL**

To amend an Act of the Parliament of Ireland of the Twenty-fifth Year of King George the Third, for explaining and amending several Laws for the Encouragement of Agriculture, so far as relates to Leases for the Erection of Mills.

*(Prepared and brought in by  
Sir William Somerville and Sir George Grey.)*

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*Ordered, by The House of Commons, to be Printed,  
10 February 1851.*

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31.

*Under 1 oz.*















